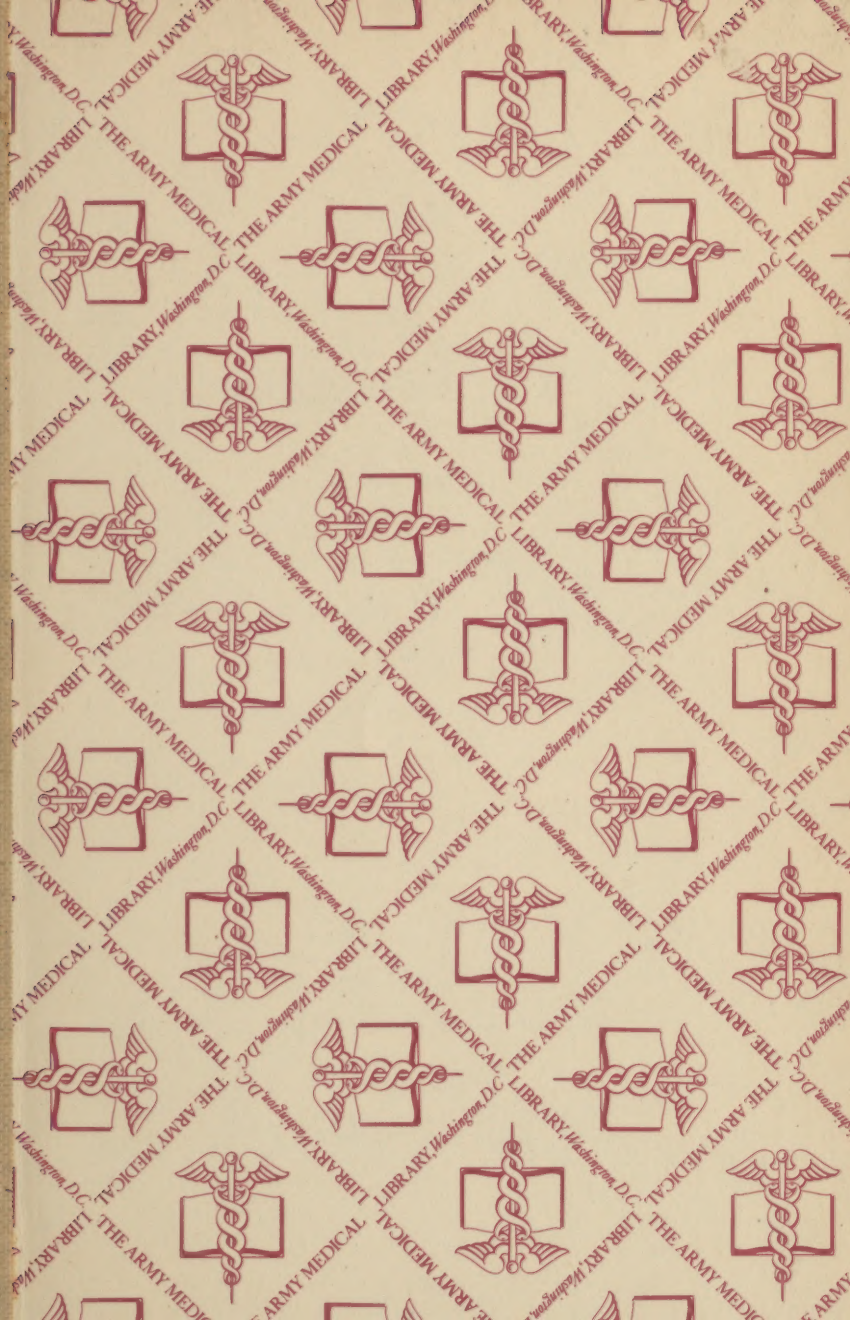
CONNECTICUT. LAWS, STATUTES, ETC~

COMPILATION OF LAWS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COMPILATION OF LAWS

Administered by the

FOOD AND DRUG COMMISSION

and

REGULATIONS

RELATING THERETO

With Appendix

Prepared By The

FOOD AND DRUG COMMISSION

State Office Building

Hartford, Conn.

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LAW CREATING THE FOOD AND DRUG COMMISSION. PUBLIC ACT NO. 401, SUPPLEMENT OF 1947 AN ACT CONCERNING THE DEPARTMENT OF AGRICULTURE

Section 1. On or before the fourth day of June, 1947, and quadrennially thereafter on or before the first day of May, the governor shall nominate and the general assembly shall appoint a commissioner of farms and markets who shall be experienced in agriculture and who shall hold office for a term of four years from the first day of July next succeeding his appointment and until his successor shall be appointed and shall have qualified. He shall receive a salary of seventy-five hundred dollars per annum. The commissioner may appoint one deputy commissioner whose term of office shall be coincident with the term of the commissioner and who shall perform such duties as the commissioner may direct, and in the absence or disqualification of the commissioner shall discharge the duties and exercise the authority of the commissioner. Said commissioner shall make a biennial report to the governor which shall be published and distributed subject to the approval of the commissioner of finance and control.

Sec. 2. The office of commissioner of agriculture is abolished and all powers conferred and duties imposed on said commissioner are transferred to the commissioner of farms and markets.

Sec. 3. Section 2056 of the general statutes, as amended, is repealed.

Sec. 4. Section 428f of the 1941 supplement to the general statutes is repealed and the following is substituted in lieu thereof: On or before May 1, 1949, and quadrennially thereafter, the governor shall nominate and the general assembly shall appoint two electors of the state actively engaged in the sale and distribution of milk, and on or before May 1, 1951, and quadrennially thereafter, the governor shall nominate and the general assembly shall appoint two electors of the state actively engaged in the production of milk, which four electors, with the milk administrator, the commissioner of health and the commissioner of farms and markets, shall constitute the milk regulation board. Such four electors so appointed to membership on said board shall hold office for four years from the first day of May in the year of their respective appointments and until their successor shall be appointed and shall have qualified. The governor, for cause, after a public hearing, may remove any member of the board

appointed by the governor with the advice and consent of the senate or appointed by the governor to fill a vacancy. Said board shall keep a record of all its proceedings and may appoint it officers and prescribe their duties. The office of the commissioner of farms and markets shall be the office of said board. Each of the four members of the milk regulation board appointed by the governor under the provisions of this section shall receive twenty dollars and necessary expenses for each day he shall attend a meeting of said board. The total payments to each member shall not exceed three hundred and fifty dollars each year, such payments to be made from the appropriations made for the commissioner of farms and markets.

Sec. 5. The office of the commissioner on domestic animals is abolished and all powers conferred and duties imposed on said commissioner are tranferred to the commissioner of farms and markets.

Sec. 6. Section 503h of the 1945 Supplement to the general statutes is repealed.

Sec. 7. The office of dairy and food commissioner is abolished and all powers conferred and duties imposed upon said commissioner so far as they relate to milk or milk products are transferred to the commissioner of farms and markets including the inspection of milk-producing farms and dairies on such farms. This shall not be construed to include ice cream, frozen desserts or frozen dessert mix.

Sec. 8. Section 2433 of the general statutes, as amended, is repealed.

Sec. 9. The commissioner of farms and markets shall exercise such authority and control over the policies and operations, including financial operations, of the various state-owned institutional farms, except those of the University of Connecticut and the state agricultural experiment stations, as he deems necessary in the interest of efficient and economical operation of the same and in the best interests of the state.

Sec. 10. The first sentence of subsection (b) of section 52e of the 1939 supplement, as amended by section 25h of the 1945 supplement, is repealed and the following is substituted in lieu thereof: The commissioner of finance and control shall have the general supervision of the administration of the duties prescribed for the director of the budget, the supervisor of purchases and the personnel director.

Sec. 11. Section 45h of the 1945 supplement to the general statutes is repealed.

Sec. 12. The commissioner of farms and markets shall furnish to the state board of veterinary registration such office facilities and clerical assistance as may be required in the proper discharge of its duties.

Sec. 13. On or before the fourth day of June, 1947, and quadrennially thereafter on or before the first day of May, the governor shall nominate and the general assembly shall appoint a commissioner of food and drugs to serve for the term of four years from the first day of July next succeeding his appointment and until his successor shall be appointed and shall have qualified. He shall receive a salary of seventy-five hundred dollars per annum. The commissioner may appoint a deputy commissioner who shall perform such duties as the commissioner may direct, and, in the absence or disqualification of the commissioner, shall discharge the duties and exercise the authority of the commissioner.

Sec. 14. All powers conferred and duties imposed upon the dairy and food commissioner not transferred to the director of farms and markets by the provisions of section 8 of this act are transferred to the commissioner of food and drugs.

Sec. 15. All powers conferred and duties imposed upon the commissioner of state police concerning weights and measures by chapter 127 of the general statutes, as amended, section 945c of the 1935 supplement, section 1279e of the 1939 supplement, as amended, or any other statutory provision, are transferred to the commissioner of food and drugs.

Sec. 16. All transfers and assignments by virtue of this act shall be in accordance with section 84e of the 1939 supplement to the general statutes.

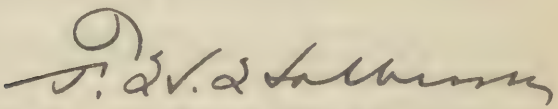
Sec. 17. This act shall take effect from its passage.

INTRODUCTION

In preparing this compilation of the laws administered by the Food and Drug Commission every effort has been made to make it as easy as possible to find the particular law, regulation or pertinent information in which the reader is interested.

It will be found that the various laws are listed alphabetically in the index but in the book itself they are placed in groups, first those laws affecting food, drugs and cosmetics and kindred subjects, then weight and measures, and, finally, the appendix containing pertinent information on tolerances in weights, measure and numerical count, in spray residue on apples and pears and details of regulations pertaining to the sale of certain drugs on prescription only.

Further information may be secured at the offices of the Food and Drug Commission in the State Office Building. The work of administering the laws and regulations contained in this book is handled by the three divisions of the commission —the food division, the drugs, devices and cosmetics division and the weights and measures division. In seeking additional information please contact the division handling the law in which you are interested.



Food and Drug Commissioner

INDEX

INTRODUCTION

TO FOOD, DRUG AND COSMETIC LAW

As provided in Section 908e (a) of Chapter 135b of the general statutes the Food and Drug Commissioner and the Director of the Connecticut Agricultural Experiment Station, acting jointly, have made the following rules and regulations for carrying out the provisions of the law.

As further provided in Section 908e (b) (2), these rules and regulations conform, so far as practicable, to those promulgated under the Federal Act for corresponding provisions in the Federal Law.

For convenience the section of the Act to which each regulation pertains has been printed first, with the regulation immediately following, printed in **bold face** type.

James G. Horsfall,
Director, Connecticut Agricultural Experiment Station,

Frederick H. Holbrook,
Food and Drug Commissioner

CONNECTICUT
FOOD, DRUG AND COSMETIC ACT
WITH GENERAL REGULATIONS
CHAPTER 135b

Sec. 886e. Short Title. This act may be cited as the "Connecticut Food, Drug and Cosmetic Act."

Regulation 1. (Refers to Sec. 886e of the Act.) .....

(a) The provisions of regulations promulgated under the Act with respect to the doing of any act shall be applicable also to the causing of such act to be done.

(b) The definitions and interpretations of terms contained in Section 887e of the Act shall be applicable also to such terms when used in regulations promulgated under the Act.

This act is intended to enact state legislation: (a) Which will safeguard the public health and promote the public welfare by protecting the consuming public from injury by product use and the purchasing public from injury by merchandising deceit, arising from intrastate commerce in food, drugs, devices and cosmetics; (b) which shall be uniform, as provided in this act, with the federal food, drug and cosmetic act and with the federal trade commission act, to the extent to which it outlaws the false advertisements of food, drugs, devices and cosmetics and (c) which will promote uniformity of such legislation and its administration and enforcement, in and throughout the United States.

Sec. 887e. Definitions. For the purpose of this act, the following terms shall have the meanings hereinafter specified: (a) "Federal act" shall mean the federal food, drug and cosmetic act, Title 21 U. S. C. 301 et seq.: 52 Stat. 1040 et seq.; (b) "intrastate commerce" shall mean any and all commerce within the state of Connecticut and subject to the jurisdiction thereof; and shall include the operation of any business or service establishment; (c) "sale" shall mean any and every sale and shall include (1) manufacture, processing, packing, canning, bottling or any other production, preparation or putting up; (2) exposure, offer or any other proffer; (3) holding, storing or any other possessing; (4) dispensing, giving, delivering, serving or any other supplying; and (5) applying, administering or any other using; (d) "commissioner" shall mean the Food and Drug commissioner and "director" shall mean the Director of the Agricultural Experiment Station; (e) "person" shall include any individual, partnership, corporation or association; (f) "food" shall mean (1) articles used for food or drink for man or other animals and (2) chewing gum, and (3) articles used for components of any such article; (g)

"drug" shall mean (1) articles recognized in the official United States pharmacopoeia, official homoeopathic pharmacopoeia of the United States or official national formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or any other animal; and (4) articles intended for use as a component of any article specified in this subsection; but shall not include devices or their components, parts or accessories; (h) "device", except when used in subsection (m) of this section and in subsection (i) of section 888e, subsection (f) of section 897e, subsection (c) of section 901e and subsection (c) of section 905e shall mean instruments, apparatus and contrivances, including their components, parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals or (2 to affect the structure or any function of the body of man or other animals; (i) "cosmetic" shall mean (1) articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance and (2) articles intended for use as a component of any such articles; except that such term shall not include soap; (j) "official compendium" shall mean the official United States pharmacopoeia, official homoeopathic pharmacopoeia of the United States, official national formulary or any supplement to any of them; (k) "label" shall mean a display of written, printed or graphic matter upon the immediate container of any article, provided a requirement made by or under authority of this act that any infomation or other word or statement appear on the label shall not be considered to be complied with unless such information or other word or statement also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper; (l) "immediate container" shall not include package liners; (m) "labeling" shall mean all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers or (2) accompanying such article, provided, if an article be alleged to be misbranded because the labeling is misleading, or if an advertisement be alleged to be false because it is misleading, then, in determining whether the labeling or advertisement is misleading, there shall be taken into account, among other things not only representations made or suggested by statement, word, design, device or sound, or any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts ma-

terial in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual, and provided the representation of a drug, in its labeling or advertisement as an antiseptic, shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment or dusting powder or for such other use as involves prolonged contact with the body;

Regulation 2. (Refers to Sec. 887e, (m) of the Act.) (a) Labeling includes all written, printed, or graphic matter accompanying an article at any time while such article is in intrastate commerce or held for sale after shipment or delivery in intrastate commerce.

(b) The existence of a difference of opinion, among experts qualified by scientific training and experience, as to the truth of a representation made or suggested in the labeling is a fact (among other facts) the failure to reveal which may render the labeling misleading, if there is a material weight of opinion contrary to such representation.

[Sec. 887c. For the purpose of the Act—] (n) "new drug", shall mean (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended or suggested in the labeling thereof or (2) any drug the composition of which is such that such drug, as a result of investigation to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions;

Regulation 3. (Refers to Sec. 887e, (n) of the Act.) Newness of a drug may arise by reason (among other reasons) of—

(a) the newness for drug use of any substance which composes such drug, in whole or in part whether it be an active substance or a menstruum, excipient, carrier, coating, or other component;

(b) the newness for drug use of a combination of two or more substances, none of which is a new drug;

(c) the newness for drug use of the proportion of a sub-

stance in a combination, even though such combination containing such substance in other proportion is not a new drug;

(d) the newness of use of such drug in diagnosing, curing, mitigating, treating, or preventing a disease, or to affect a structure or function of the body, even though such drug is not a new drug when used in another disease or to affect another structure or function of the body; or

(e) the newness of a dosage, or method or duration of administration or application, or other condition of use prescribed, recommended or suggested in the labeling of such drug, even though such drug when used in other dosage, or other method or duration of administration or application, or different condition, is not a new drug.

[Sec. 887e. For the purposes of this Act—] (o) "advertisement" shall mean all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food, drugs, devices or cosmetics; (p) "contaminated with filth" shall apply to any food, drug, device or cosmetic not securely protected from dust or dirt, and, as far as may be necessary, by all reasonable means, from all foreign or injurious contaminations.

Sec. 888e. **Prohibited acts.** The following acts and the causing thereof shall be prohibited; (a) The sale in intrastate commerce of any food, drug, device or cosmetic that is adulterated or misbranded; (b) the adulteration or misbranding of any food, drug, device or cosmetic in intrastate commerce; (c) the receipt in intrastate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the sale thereof in such commerce for pay or otherwise; (d) the introduction or delivery for introduction into intrastate commerce of (1) any food in violation of section 898e or (2) any new drug in violation of section 903e; (e) the dissemination within this state, in any manner or by any means or through any medium, of any false advertisement; (f) the refusal to permit (1) entry and the taking of a sample or specimen or the making of an investigation as authorized by section 909e or (2) access to or copying of any record as authorized by section 910e; (g) the refusal to permit entry or inspection as authorized by section 911e; (h) the giving of a guaranty or undertaking in intrastate commerce, referred to in subsection (c) of section 890e, that is false.

Regulation 4. (Refers to Sec. 888e, (h) of the Act.) In case of the giving of a guaranty or undertaking referred to in Sec. 890e (c) of the Act, each person signing such guaranty or undertaking shall be considered to have given it.

[**Sec. 888e.**] (i) the forging, counterfeiting, simulating or falsely representing, or, without proper authority, using, any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of this act; (j) the alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of a food, drug, device or cosmetic, or the doing of any other act with respect to a food, drug, device or cosmetic, or the labeling or advertisement thereof, which results in a violation of this act; (k) the using in intrastate commerce, in the labeling or advertisement of any drug, of any representation or suggestion that an application with respect to such drug is effective under section 505 of the federal act or under section 903e of this act, or that such drug complies with the provision of either such section.

Sec. 889e. Injunction proceedings. In addition to the remedies hereinafter provided, the commissioner is authorized to apply to the superior court for, and such court shall have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction restraining any person from violating any provision of section 888e irrespective of whether or not there exists an adequate remedy at law.

Sec. 890e. Penalties. (a) Any person who shall violate any provision of section 888e, shall, on conviction thereof, be imprisoned not more than six months or fined not more than five hundred dollars or both; but, if the violation be committed after a conviction of such person under this subsection has become final, such person shall be imprisoned not more than one year or fined not more than one thousand dollars or both (b) Notwithstanding the provisions of subsection (a) of this section, any person who shall violate any provision of section 888e, with intent to defraud or mislead, shall be imprisoned not more than one year or fined not more than one thousand dollars or both. (c) No person shall be subject to the penalties of subsection (a) of this section for having violated subsection (a) or (c) of section 888e if he shall establish a guaranty or undertaking signed by and containing the name and address of the person residing in this state from whom he received the article in good faith, to the effect that such article is not adulterated or misbranded within the meaning of this act. In such guaranty this act shall be designated by title;

Regulation 5. (Refers to Sec. 890e, (c) of the Act.) (a) A guaranty or undertaking referred to in Section 890e of the Act may be—

(1) limited to a specific shipment or other delivery of an article, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment or delivery; or

(2) general and continuing, in which case, in its application to any shipment or other delivery of an article, it shall be considered to have been given at the date such article was shipped or delivered by the person who gives the guaranty or undertaking.

(b) The following are suggested forms of guaranty or undertaking under Section 890e (c) of the Act:

(1) (Limited Form for use on invoice or bill of sale.

(Name of persons giving the guaranty or undertaking) hereby guarantees that no article listed herein is adulterated or misbranded within the meaning of the Connecticut Food, Drug, and Cosmetic Act, or is an article which may not under the provisions of Section 898e or 903e of the Act, be introduced into commerce.

(Signature and post-office address of person giving the guaranty or undertaking.)

(2) (General and Continuing Form.)

The article comprising each shipment or other delivery hereafter made by (name or person giving the guaranty or undertaking) to, or on the order of (name and post-office address of person to whom the guaranty or undertaking is given) is hereby guranteed, as of the date of such shipment or delivery, to be, on such date, not adulterated or misbranded within the meaning of the Connecticut Food, Drug, and Cosmetic Act, and not an article which may not, under the provisions of Section 898e and 903e of the Act, be introduced into commerce.

(Signature and post-office address of person giving the guaranty or undertaking.)

(c) A guaranty or undertaking, if signed by two or more persons, shall state that such persons severally guarantee the article to which it applies.

(d) No representation or suggestion that an article is guaranteed under the Act shall be made in labeling.

[Sec. 890e.] (d) No publisher, radio-broadcast licensee, advertising agency or agency or medium for the dissemination of advertising, except the manufacturer, packer, distributor or seller of the article to which the advertisement relates, shall be subject to the penalties of subsection (a) of this section by

reason of his dissemination of any false advertisement, unless he shall have refused, on the request of the commissioner, to furnish the name and address of the manufacturer, packer, distributor, seller or advertising agency in the United States, who caused him to disseminate such false advertisement.

Sec. 891e. Seizure. (a) Whenever the commissioner or his duly authorized agent shall find, or have probable cause to believe, that any food, drug, device or cosmetic is offered or exposed for sale, or held in possession with intent to distribute or sell, or is intended for distribution or sale in violation of any provision of this act, whether it is in the custody of a common carrier or any other person, he may affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, in violation of this act and has been embargoed. Within twelve days after an embargo has been placed upon any article, the embargo shall be removed by the commission or a summary proceeding for the confiscation of the article shall be instituted by the commissioner. No person shall remove or dispose of such embargoed article by sale or otherwise without the permission of the commissioner or his agent; or after summary proceedings have been instituted, without permission from the court. If the embargo shall be removed by the commissioner or by the court, neither the commissioner nor the state shall be held liable for damages because of such embargo in the event that the court shall find that there was probable cause for the embargo. (b) The local justice, town, police or city court having jurisdiction in the country which such food, drug, device or cosmetic was found, or any judge of any such court, shall have jurisdiction to hear and determine such proceedings. (c) Such proceedings shall be by complaint, verified by affidavit, which may be made on information and belief in the name of the commissioner against the article to be confiscated. (d) The complaint shall contain: (1) A particular description of the article, (2) the name of the place where the article is located and (3) the name of the person in whose possession or custody the article was found, if such name be known to the person making the complaint or can be ascertained by reasonable effort and (4) a statement as to the manner in which the article is adulterated or misbranded or the characteristics which render its distribution or sale illegal. (e) Upon the filing of the verified complaint, the court or judge shall issue a warrant directed to the proper officer to seize and take in his possession the article described in the complaint and bring the same before the court or judge who issued the warrant and to summon the person named in the warrant, and any other person who may be found in possession of the article,

to appear at the time and place therein specified. (f) Any such person shall be summoned by service of a copy of the warrant in the same manner as a summons issuing out of the court in which the warrant has been issued. (g) The hearing upon the complaint shall be at the time and place specified in the warrant, which time shall not be less than five days or more than fifteen days from the date of issuing the warrant, but, if the execution and service of the warrant has been less than three days before the return of the warrant, either party shall be entitled to a reasonable continuance. Upon the hearing the complaint may be amended. (h) Any person who shall appear and claim the food, drug, device or cosmetic seized under the warrant shall be required to file a claim in writing. (i) If, upon the hearing, it shall appear that the article was offered or exposed for sale, or had in possession with intent to distribute or sell, or was intended for distribution or sale, in violation of any provision of this act, it shall be confiscated and disposed of by destruction or sale as the court or judge may direct, but no such article shall be sold contrary to any provision of this act. The proceeds of any sale, less the legal costs and charges, shall be paid into the state treasury. (j) In case the article seized be not injurious to health and be of such a character that, when properly packed, marked, branded or otherwise brought into compliance with the provisions of this act, so that its sale would not be prohibited, the court or judge may order such article delivered to the owner upon the payment of the costs of the proceedings and the execution and delivery to the state department instituting the proceedings, as obligee, of a good and sufficient bond to the effect that such articles will be brought into compliance with the provisions of this act under the supervision of said State Department, and the expenses of such supervision shall be paid by the owner obtaining release of the article under bond. (k) Whenever the commissioner or any of his authorized agents shall find in any room, building, vehicle of transportation or other structure, any meat, sea food, poultry, vegetable, fruit or other perishable article which is unsound, or contains any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the commissioner, or his authorized agent, shall forthwith condemn or destroy the same, or in any other manner render the same unsalable as human food.

Sec. 892e. Hearings. Prosecutions. (a) Each state attorney or town or city prosecuting attorney to whom the commissioner shall report any violation of this act, shall cause appropriate proceedings to be instituted in the proper courts

without delay, and to be duly prosecuted as prescribed by law. (b) Before any violation of this act shall be reported by the commissioner to any such attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views to the commissioner, either orally or in writing, with regard to such contemplated proceeding.

Regulation 6. (Refers to Sec. 892e, (b) of the Act.) (a) Presentation of views under Section 892e of the Act shall be private and informal. The views presented shall be confined to matters relevant to the contemplated proceedings. Such views may be presented in person by the person to whom the notice was given, or by his representative. In case such person holds a guaranty or undertaking referred to in Section 890e (c) of the Act applicable to the article on which such notice was based, such guaranty or undertaking, or a verified copy thereof, shall be made a part of such presentation of views.

(b) Upon request seasonably made, by the person to whom a notice appointing a time and place for the presentation of views under Section 892e of the Act has been given, or by his representative, such time or place, or both such time and place, may be changed if the request states reasonable grounds therefor. Such request shall be addressed to the office of the Food and Drug Commission.

Sec. 893e. **Warning by Commissioner.** Nothing in this act shall be construed as requiring the commissioner to report for the institution of proceedings under this act, minor violations of this act, whenever he shall believe that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Sec. 894e. **Proceedings in name of state.** All such proceedings for the enforcement, or to restrain violations, of this act, shall be by and in the name of the state of Connecticut.

Sec 895e. **Definitions and standards for food.** Whenever the commissioner and director shall agree that such action will promote honesty and fair dealing in the interest of consumers, they, acting jointly, shall promulgate regulations fixing and establishing for any food or class of food a reasonable definition and standard of identity or a reasonable standard of quality or a reasonable standards of fill of container, or any two or all of such definitions or standards. In prescribing

a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the commissioner and director, acting jointly, shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. The definitions and standards so promulgated shall conform, so far as practicable, to the definitions and standards promulgated by the administrator of the United States Federal Security Agency under the authority conferred by section 401 of the federal act.

Sec. 896e. Adulterated food. A food shall be deemed to be adulterated:(a) (1) If it shall bear or contain any poisonous or deleterious substance which may render it injurious to health; but, in case the substance is not added substance, such food shall not be considered adulterated under this clause if the quantity of such substance in such food would not ordinarily render it injurious to health; or (2) it if shall bear or contain any added poisonous or added deleterious substance which is unsafe within the meaning of section 899e; or (3) if it shall consist in whole or in part of any diseased, contaminated, filthy, putrid or decomposed substance or if it shall be otherwise unfit for food; or (4) if it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered diseased, unwholesome or injurious to health; or (5) if it shall be in whole or in part the product of a diseased animal or of an animal which has died otherwise than by slaughter or which has been fed on the uncooked offal from a slaughter-house or (6) if its container shall be composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; (b) (1) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefore; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto; or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or greater value than it is; (c) if it shall bear or contain a coal-tar color other than one that is harmless and suitable for use in food, as provided by regluations promulgated under section 406 (b) of the federal act; (d) if it shall be confectionery and it shall bear or contain any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess four-tenths of one per cent, harmless natural gum or pectin; provided this subsection shall not

apply to any confectionery by reason of its containing less than one-half of one per cent by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum, by reason of its containing harmless non-nutritive masticatory substances.

Sec. 897e. Misbranded food. A food shall be deemed to be misbranded: (a) If its labeling shall be false or misleading in any particular.

Regulation 7. (Refers to Sec. 897e, (a) of the Act.) (a) Among representations in the labeling of a food which render such food misbranded is a false or misleading representation with respect to another food or a drug, device, or cosmetic.

(b) The labeling of a food which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such food in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

[Sec. 897e. A food shall be deemed to be misbranded—] (b) if it shall be offered for sale under the name of another food; (c) if it shall be an imitation of another food, unless its label shall bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (d) if its container shall be so made, formed or filled as to be misleading; (e) if in package form, unless it shall bear a label containing, (1) the name and place of business of the manufacturer, packer or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count; provided, under subdivision (2) of this subsection, reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations promulgated by the commissioner and director, acting jointly;

Regulation 8. (Refers to Sec. 897e (e) of the Act.) (a) If a food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such food, such as "Manufactured for and Packed by .....", "Distributed by .....", or other similar phrase which expresses the facts.

(b) The statement of the place of business shall include the steet address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(c) Where a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such food was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

(d) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not be considered to relieve any food from the requirement that its label shall not be misleading in any particular.

(e) (1) The statement of the quantity of the contents shall reveal the quantity of food in the package, exclusive of wrappers and other material packed with such food.

(2) The statement shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure, which are generally used by consumers to express quantity of such food and which give accurate information as to the quantity thereof. But if no general consumer usage in expressing accurate information as to the quantity of such food exists, the statement shall be in terms of liquid measure if the food is liquid, or in terms of weight if the food is solid, semi-solid, viscous or a mixture of solid and liquid;

(f) (1) A statement of weight shall be in terms of the avoirdupois pound and ounce. A statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and, except in case of frozen food which is so consumed, shall express the volume at 68° Fahrenheit (20° Centigrade). A statement of dry measure shall be in terms of the United States bushel of 2150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof or in terms of the United States standard barrel and its subdivisions of third, half and and three-quarters barrel. However, in the case of an export shipment, the statement may be in terms of a system of weight or measure in common use in the country to which such shipment is exported.

(2) A statement of weight or measure in the terms specified in subdivision (1) of this paragraph may be supplemented by a statement in terms of the metric system of weight or measure.

(3) Unless an unqualified statement of numerical count gives accurate information as to the quantity of food in the package, it shall be supplemented by such statement of weight,

measure, or size of the individual units of the food as will give such information.

(g) Statements shall contain only such fractions as are generally used in expressing the quantity of the food. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places.

(h) (1) If the quantity of food in the package equals or exceeds the smallest unit of weight or measure which is specified in paragraph (f) of this regulation, and which is applicable to such food under the provisions of paragraph (e) (2) of this regulation, the statement shall express (except as provided in subdivision (2) of this paragraph) the number of the largest of such units contained in the package (for example, the statement on the label of a package which contains one quart of food shall be "1 quart", and not "2 pints" or "32 fluid ounces"). Where such number is a whole number and a fraction, there may be substituted for the fraction its equivalent in smaller units, if any smaller is specified in such paragraph (f) (for example, 1¾ quarts may be expressed as "1 quart 1½ pints" or "1 quart 1 pint 8 fluid ounces"; 1¼ pounds may be expressed as "1 pound 4 ounces"). The stated number of any unit which is smaller than the largest unit (specified in such paragraph (f)) contained in the package shall not equal or exceed the number of such smaller units in the next larger unit so specified (for example, instead of "1 quart 16 fluid ounces" the statement shall be "1½ quarts" or "1 quart 1 pint"; instead of "24 ounces" the statement shall be "1½ pounds" or "1 pound 8 ounces").

(2) In the case of a food with respect to which there exists an established custom of stating the quantity of the contents as a fraction of a unit, which unit is larger than the quantity contained in the package, or as units smaller than the largest unit contained therein, the statement may be made in accordance with such custom if it is informative to consumers.

(i) (1) Statement of quantity shall express the minimum or the average. If the statement is not so qualified as to show that the quantity expressed is the minimum, it shall be considered to express the average quantity in the package.

(2) The average weight, measure or numerical count of the contents of at least six packages must fully equal the weight, measure or numerical count stated on the package. In the case of bread the law, Sec. 2454, requires the average weight to be determined on the basis of twelve packages.

(j) A food shall be exempt from compliance with the requirements of clause (2) of Section 897e (e) of the Act if—

(1) the quantity of the contents, as expressed in terms applicable to such food under the provisions of paragraph (e) (2) of this regulation, is less than one-half ounce avoirdupois, or less than one-half fluid ounce, or (in case the units of the food can be easily counted without opening the package) less than six units; or

(2) the statement of the quantity of the contents of the package, together with all other words, statements, and information required by or under authority of the Act to appear on the label, cannot, because of insufficient label space, be so placed on the label as to comply with the requirements of section 897e (f) of the act and regulations promulgated thereunder.

[Sec. 897e. A food shall be deemed to be misbranded—] (f) if any information or other word or statement, required by or under authority of this act to appear on the label or labeling, shall not be prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or devices, in the labeling, and in such terms, as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

Regulation 9. (Refers to Sec. 897e, (f) of the Act. (a) A word, statement, or other information required by or under authority of the Act to appear on the label may lack that prominence and conspicuousness required by Section 897e (f) of the Act by reason (among other reasons) of—

(1) the failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) the failure of such word, statement, or information to appear on two or more parts or panels of the label each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(3) the failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) insufficiency of label space (for the prominent placing such word, statement, or information) resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;

(5) insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device; or

(6) smallness or style of type in which such word, statement, or information appears, insufficient, background contrast obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b) No exemptions depending on insufficiency of label space, as prescribed in regulations promulgated under Section 897e (e) or (i) of the Act, shall apply if such insufficiency is caused by—

(1) the use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;

(2) the use of label space to give greater conspicuousness to any word, statement, or other information than is required by Section 897e (f) of the Act; or

(3) the use of label space for any representation in a foreign language.

(c) (1) All words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear thereon in the English language.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label shall appear thereon in the foreign language.

(3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear on the labeling in the foreign language.

[Sec. 897e. A food shall be deemed to be misbranded—] (g) if it shall purport to be or shall be represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 89.e, unless (1) it shall conform to such definition and standard, and (2) its label shall bear the name of the food specified in the definition and standard, and, so far as may be required by such regulations, the common names of optional ingredients, other than spices, flavoring and coloring, present in such food;

Regulation 10. (Refers to Sec. 897e (g) of the Act.) In the following conditions, among others, a food does not conform to the definition and standard of identity therefor;

(a) If it contains an ingredient for which no provision is made in such definition and standard;

(b) If it fails to contain any one or more ingredients required by such definition and standard;

(c) If the quantity of any ingredient or component fails to conform to the limitation, if any, prescribed therefor by such definition and standard.

[Sec. 897e. A food shall be deemed to be misbranded—] (h) if it shall purport to be or is represented as, (1) a food for which a standard of quality has been prescribed by regulations as provided by section 895e and its quality shall fall below such standards unless its label shall bear in such manner and form as such regulations specify, a statement that it falls below such standard; or (2) a food for which a standard or standards of fill of container have been prescribed by regulations as provided by section 895e, and it shall fall below the standard of fill of container applicable thereto, unless its label shall bear, in such manner and form as such regulations specify, a statement that it falls below such standard; (3) a food for which no definition and standard of identity and no standard of quality has been prescribed by regulations as provided by section 895e, and it shall fall below the standard of purity, quality or strength which it purports or is represented to possess; (i) if it shall not be subject to the provisions of subsection (g) of this section, unless its label shall bear (1) the common or usual name of the food, if any there be, and (2) in case it shall be fabricated from two or more ingredients, the common or usual name of each such ingredient except that spices, flavoring and colorings, other than those sold as such, may be designated as spices, flavorings and colorings, without naming each; provided to the extent that compliance with the requirements of subdivision (2) of this subsection shall be impracticable, or shall result in deception or unfair competition, exemptions shall be established by regulations promulgated by the commissioner and director, acting jointly;

Regulation 11. (Refers to Sec. 897e (i) (2) of the Act.) (a) The name of an ingredient (except a spice, flavoring, or coloring which is an ingredient of a food other than one sold as a spice, flavoring, or coloring), required by Section 897e (i) (2) of the Act to be borne on the label of a food, shall be a specific name and not a collective name. But if an ingredient (which itself contains two or more ingredients)

conforms to a definition and standard of identity prescribed by regulations under Section 895e of the Act, such ingredient may be designated on the label of such food by the name specified in the definition and standard, supplemented, in case such regulations require the naming of optional ingredients present in such ingredient, by a statement showing the optional ingredients which are present in such ingredient.

(b) No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be, within the meaning of such term as commonly understood by consumers. The term "coloring" shall not include any bleaching substance.

(c) An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as spice and coloring, or flavoring and coloring, as the case may be, unless such ingredient is designated by its specific name.

(d) A label may be misleading by reason (among other reasons) of—

(1) the order in which the names of ingredients appear thereon, or the relative prominence otherwise given such names; or

(2) its failure to reveal the proportion of, or other fact with respect to, an ingredient, when such proportion or other fact is material in the light of the representation that such ingredient was used in fabricating the food.

(e) (1) A food shall be exempt from the requirements of clause (2) of Section 897e (i) of the Act if all words, statements, and other information required by or under authority of the Act to appear on the label of such food, cannot, because of insufficient label space, be so placed on the label as to comply with the requirements of Section 897e (f) of the Act and regulations promulgated thereunder. But such exemption shall be on the condition that, if the omission from the label of the statement of the quantity of the contents affords sufficient space to state legibly thereon all the information required by such clause (2), such statement of the quantity of the contents shall be omitted as authorized by regulation 7 (m) (2), and the information required by such clause (2) shall be so stated as prominently as practicable even though the statement is not of such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase.

(2) In the case of an assortment of different items of food when variations in the item which make up different packages packed from such assortment normally occur in good packing practice, and when such variations result in variations in the ingredients in different packages such food shall be exempt from compliance with the requirements of clause (2) of Section 897e (i) of the Act with respect to any ingredient which is not common to all packages. But such exemption shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement in terms which are as informative as practicable and which are not misleading, indicating that other ingredients may be present.

[Sec. 897e. A food shall be deemed to be misbranded—] (j) if it shall purport to be or shall be represented to be for special dietary uses, unless its label shall bear such information concerning it vitamin, mineral and other dietary properties as shall be necessary in order fully to inform purchasers as to its value for such uses, as provided by regulations promulgated by the commissioner and director, acting jointly; (k) if it shall bear or contain any artificial flavoring, artificial coloring or chemical preservative, unless it shall bear labeling stating that fact; provided, to the extent that compliance with the requirements of this subsection shall be impracticable, exemptions shall be established by regulations promulgated by the commissioner and director, acting jointly.

Regulation 12. (Refers to Sec. 897e, (k) of the Act.) (a) (1) The term "artificial flavoring" means a flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of synthesis or other similar artifice.

(2) The term "artificial coloring" means a coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice or a coloring which was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.

(3) The term "chemical preservative" means any chemical which, when added to food, tends to prevent or retard deterioration thereof; but does not include common salt, sugars, vinegars, spices or oils extracted from spices, or substances added to food by direct exposure thereof to wood smoke.

(b) A food which is subject to the requirements of Section 897e (k) of the Act shall bear labeling, even though such food is not in package form.

(c) A statement of artificial flavoring, artificial coloring, or chemical preservative shall be placed on the food, or on its container or wrapper, on any two or all of these, as may be necessary to render such statement likely to be read by the ordinary individual under customary conditions of purchase and use of such food.

(d) A food shall be exempt from compliance with the requirements of Section 897e (k) of the Act if it is not in package form and the units thereof are so small that a statement of artificial flavoring, artificial coloring, or chemical preservative, as the case may be, cannot be placed on such units with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

Sec. 898e. Emergency permit control. (a) Whenever the commissioner shall find, after investigation, that the distribution in intrastate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered intrastate commerce, he then, and in such case only, shall promulgate regulations providing for the issuance, to manufacturers, processors or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing or packing of such class of food for such temporary period of time, as may be necessary to protect the public health; and, after the effective date of such regulations, and during such temporary period, no person shall introduce or deliver for introduction into intrastate commerce, any such food manufactured, processed or packed by any such manufacturer, processor or packer unless such manufacturer, processor or packer shall hold a permit issued by the commissioner as provided by such regulations. Such regulations shall conform, so far as practicable, with those promulgated under section 404 (a) of the federal act. (b) The commissioner is authorized to suspend immediately, upon notice, any permit issued under authority of this section, if it be found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the commissioner shall, immediately, after prompt hearing and inspection of the factory or establishment, reinstate such permit, if it be found that adequate measures have been taken to comply with and maintain the conditions of the permit,

as originally issued or as amended. (c) Any officer or employee designated by the commissioner shall have access to any factory or establishment, the operator of which holds a permit from the commissioner, for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit until such access shall be freely given by the operator.

Sec. 899e. Tolerances for poisonous ingredients in food. (a) Any poisonous or deleterious substance added to any food, except where such substance shall be required in the production thereof or cannot be avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of subdivision (2) of subsection (a) of section 896e; but when such substance shall be so required or cannot be so avoided, the commissioner and director, acting jointly, shall promulgate regulations limiting the quantity therein or thereon to such extent as they shall find necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of said subdivision (2). While such a regulation shall be in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of having or containing any added amount of such substance, be considered to be adulterated within the meaning of subdivision (1) of said section (1). In determining the quantity of such added substance to be tolerated in or on different articles of food, the commissioner and director, acting jointly, shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances. (b) The regulations promulgated under subsection (a) of this section shall conform, so far as practicable, with those promulgated under section 406 (a) of the federal act.

Sec. 900e. Adulterated drugs and devices. A drug or device shall be deemed to be adulterated: (a) (1) If it shall consist in whole or in part, of any filthy, putrid or decomposed substance; or (2) if it has been produced, prepared, packed or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (3) if it shall be a drug and its container shall be composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or (4) if it shall

be a drug and it shall bear or contain, for the purposes of coloring only, a coal tar color other than one that is harmless and suitable for use in drugs, as provided by regulations promulgated under section 504 of the federal act; (b) if it shall purport to be, or shall be represented as, a drug the name of which is recognized in an official compendium, and its strength shall differ from, or its quality or purity shall fall below, the standard set forth in such compendium; such determination as to strength, quality or purity to be made in accordance with the tests or methods of assay set forth in such compendium or prescribed by regulations promulgated under section 501 (b) of the federal act provided no drug defined in an official compendium shall be deemed to be adulterated under this subsection because it differs from the standard of strength, quality or purity therefor set forth in such compendium, if its difference in strength, quality or purity from such standard shall be plainly stated on its label and provided, whenever a drug shall be recognized in both the United States pharmocopoeia and the homoeopathic pharmacopoeia of the United States, it shall be subject to the requirements of the United States pharmacopoeia unless it shall be labeled and offered for sale as a homoepathic drug, in which case it shall be subject to the provisions of the homoeopathic pharmacopoeia of the United States and not to those of the United States pharmacopoeia.

Regulation 13. (Refers to Sec. 900e, (b) of the Act.) (a) The name by which a drug is designated shall be clearly distinguishing and differentiating from any name recognized in an official compendium unless such drug complies in identity with the identity prescribed in an official compendium under such recognized name.

(b) The term "drug defined in an official compendium" means a drug having the identity prescribed for a drug in an official compendium.

(c) A statement that a drug defined in an official compendium differs in strength, quality, or purity from the standard of strength, quality, or purity set forth for such drug in an official compendium shall show all the respects in which such drug so differs, and the extent of each such difference.

[Sec. 900e. A drug or device shall be deemed to be adulterated—] (c) if it shall not be subject to the provisions of subsection (b) of this section and its strength shall differ from, or its purity or quality shall fall below, that which it purports or is represented to possess; (d) if it shall be a drug and any substance has been (1) mixed or packed

therewith so as to reduce its quality or strength or (2) substituted wholly or in part therefor.

Sec. 901e. **Misbranded drug and devices.** A drug or device shall be deemed to be misbranded: (a) If its labeling shall be false or misleading in any particular;

Regulation 14. (Refers to Sec. 901e, (a) of the Act.) (a) Among representations in the labeling of a drug or device which render such drug or device misbranded is a false or misleading representation with respect to another drug or device or a food or cosmetic.

(b) The labeling of a drug which contains two or more ingredients may be misleading by reason, among other reasons of the designation of such drug in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

[Sec. 901e. A drug or device shall be deemed to be misbranded—] (b) if in package form, unless it shall bear a label containing (1) the name and place of business of the manufacturer, packer or distributor and (2) and accurate statement of the contents in terms of weight, measure or numerical count; provided, under subdivision (2) of this subsection reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations promulgated by the commissioner and director, acting jointly;

Regulation 15. (Refers to Sec. 901e, (b) of the Act.) (a) If a drug or device is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such drug or device such as "Manufactured for and Packed by .....", "Distributed by .....", Retailed by .....", or other similar word or phrase which expresses the facts.

(b) The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(c) Where a person manufactures, packs, or distributes a drug or device at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such drug or device was manufactured or packed or is to be distributed if such statement is not misleading in any particular.

(d) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or dis-

tributor shall not be considered to relieve any drug or device from the requirement that its label shall not be misleading in any particular.

(e) (1) The statement of the quantity of the contents of a package of a drug shall reveal the quantity of such drug in the package, exclusive of wrappers and other material packed with such drug.

(2) The statement shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure, which are generally used by consumers and users of such drug to express quantity thereof and which give accurate informattion as to such quantity. But if no general usage in expressing accurate information as to the quantity of such drug exists among consumers and users thereof, the statement of the quantity of a drug which is not in tablet, capsule, ampul, or other unit form shall be in terms of weight if the drug is solid, semisolid, or viscous, or in terms of measure if the drug is liquid; the statement of the quantity of a drug which is in such unit form shall be in terms of the numerical count of such units, supplemented, when necessary to give accurate information as to the quantity of such drug in the package, by such statement (in such terms, manner, and form as are not misleading) of the weight or measure of such units, or of the quantity of each active ingredient in each such unit, as will give such information.

(3) The statement of the quantity of a device shall be expressed in terms of numerical count.

(f) A statement of weight shall be in terms of the avoirdupois pound, ounce and grain, or of the kilogram, gram, and milligram. A statement of liquid measure shall be in terms of the United States Gallon of 231 cubic inches and quart, pint, fluid ounce, and fluid dram subdivision thereof, or of the liter, militer, or cubic centimeter, and shall express the volume at 68° Fahrenheit (20° Centigrade).

(g) Statements of the quantity of a drug shall contain only such fractions as are generally used in expressing the quantity of such drug. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than three places except in the case of a statement of the quantity of an active ingredient in a unit of a drug.

(h) (1) Unless made in accordance with the provisions of subdivision (2) of this paragraph a statement of the quantity of a drug, in terms of weight or measure applicable to such

drug under the provisions of paragraph (e) (2) of this regulation, shall express the number of the largest unit specified in paragraph (f) of this regulation which is contained in the package (for example, the statement on the label of a package which contains one pint of a drug shall be "1 pint" and not 16 fluid ounces"). Where such number is a whole number and a fraction, there may be substituted for the fraction its equivalent in smaller units, if any smaller is specified in such paragraph (f) (for example, 1¼ pounds may be expressed as "1 pound 4 ounces"). The stated number of any unit which is smaller than the largest unit (specified in such paragraph (f) contained in the package shall not equal or exceed the number of such smaller units in the next larger unit so specified (for example, instead of "1 quart 16 fluid ounces" the statement shall be "1½ quarts" or "1 quart 1 pint").

(2) In the case of a drug with respect to which there exists an established custom of stating the quantity of the contents as a fraction of a unit, which unit is larger than the quantity contained in the package, or as units smaller than the largest unit contained therein, the statement may be made in accordance with such custom if it is informative to consumers.

(i) The statement of the quantity of a drug or device shall express the minimum quantity, or the average quantity of the contents of the packages. If the statement is not so qualified as to show definitely that the quantity, expressed is the minimum quantity, the statement, except in the case of ampuls, shall be considered to express the average quantity. The statement of the quantity of a drug in ampuls shall be considered to express the minimum quantity.

(j) Where the statement expresses the minimum quantity no variation below the stated minimum shall be permitted except variations below the stated weight or measure of a drug cause by ordinary and customary exposure, after such drug is introduced into commerce, to conditions which normally occur in good distribution practice and which unavoidably result in decreased weight or measure. Variations above the stated minimum shall not be unreasonably large. In the case of a liquid drug in ampuls the variation above the stated measure shall comply with the excess volume prescribed by any official compendium for filling of ampuls.

(k) Where the statement does not express the minimum quantity—

(1) variations from the stated weight or measure of a drug shall be permitted when caused by ordinary and customary exposure, after such drug is introduced into commerce, to conditions which normally occur in good distribution practice and which unavoidably result in change of weight or measure;

(2) variations from the stated weight, measure, or numerical count of a drug or device shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages which occur in good packing practices.

But under subdivision (2) of this paragraph variations shall not be permitted to such extent that the average of the quantities in the pakages comprising a shipment or other delivery of the drug or device is below the quantity stated and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment or delivery compensate for such shortage.

(1) The extent of variations from the stated quantity of the contents permissible under paragraphs (j) and (k) of this regulation in the case of each shipment or other delivery shall be determined by the facts in such case.

(m) A drug or device shall be exempt from compliance with the requirements of clause (2) of Section 901e (b) of the Act if—

(1) the statement of the quantity of the contents, as expressed in terms applicable to such drug or device under the provisions of paragraph (e) (2) of this regulation, together with all other words, statements, and information required by or under authority of the Act to appear on the label of such drug or device, cannot, because of insufficient label space, be so placed on the labels as to comply with the requirements of Section 901e (c) of the Act and regulations promulgated thereunder; or

(2) the quantity of the contents of the package, as expressed in terms of numerical count in compliance with paragraph (e) (2) or (3) of this regulation, is less than six units and such units can be easily counted without opening the package.

[Sec. 901e. A drug or device shall be deemed to be misbranded—] (c) if any information or other word or statement, required by or under authority of this act to appear on the label or labeling, shall not be prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or devices in the labeling, and in such terms, as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

Regulation 16. (Refers to Sec. 901e, (c) of the Act.) (a) A word, statement, or other information required by or under authority of the Act to appear on the label may lack that prominence and conspicuousness required by Section 901e (c) of the Act by reason (among other reasons) of—

(1) the failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) the failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditons of purchase, the part or panel displayed;

(3) the failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;

(5) insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device; or

(6) smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b) No exemptions depending on insufficiency of label space, as prescribed in regulations promulgated under Section 901e (b) or (e) of the Act, shall apply if such insufficiency is caused by—

(1) the use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;

(2) the use of label space to give greater conspicuousness to any word, statement, or other information than is required by Section 901e (c) of the Act; or

(3) the use of label space for any representation in a foreign language.

(c) (1) All words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear thereon in the English language.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label shall appear thereon in the foreign language.

(3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear on the labeling in the foreign language.

[Sec. 901e. A drug or device shall be deemed to be misbranded—] (d) if it shall be for use by man and shall contain any quantity of the narcotic or hypnotic substance alpha-eucaine, betaeucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulphonmethane; or any chemical derivative of any such substance, which derivative has been designated as habit forming by regulations promulgated under Section 502 (d) of the federal act; unless its label shall bear the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—May be habit forming;"

Regulation 17. (Refers to Sec. 901e, (d) of the Act.) (This regulation does not apply to drugs dispensed on prescription, as provided in Section 902e of this Act.)

(a) (1) The name of a substance or derivative required by or under authority of Section 901e (d) of the Act to be borne on the label of a drug shall be the common or usual name of such substance or derivative, unless it is designated solely by a name recognized in an official compendium and such designation complies with the provisions of Sec. 901e (c).

(2) A statement on the label of a drug of the name of a constituent, which constituent is a chemical derivative of a substance named in Section 901e (d) of the Act, shall show the substance from which such constituent is derived and that such constituent is a derivative thereof.

(b) (1) If the drug is in tablet, capsule, ampul, or other unit form, the statement of the quantity or proportion of such subtsance or derivative contained therein shall express the weight or measure of such substance or derivative in each such unit. If the drug is not in such unit form, the

statement shall express the weight or measure of such substance or derivative in a specified unit of weight or measure of the drug. Such statement shall be in terms which are informative to the ordinary consumer and user of the drug.

(2) The statement of the percentage of such substance or derivative contained in a drug shall express the percentage by weight; except that, if both the substance or derivative and the drug are liquid, the statement may express the percentage by volume at 68° Fahrenheit (20° Centigrade), but in such case the statement shall be so qualified as to show definitely that the percentage is expressed by volume. . . (c) the names, and quantities or proportions of all such substances and derivatives, and the statement "Warning—May be habit forming," shall immediately precede or immediately follow (without intervening written, printed, or graphic matter) the name by which such drug is titled in the part or panel of the label thereof which is presented or displayed under customary conditions of purchase.

(d) A drug shall not be considered to be misbranded by reason of failure of its label to bear the statement "Warning—May be habit forming,"

(1) if such drug is not suitable for internal use, and is distributed and sold exclusively for such external use as involves no possibility of habit formation; or

(2) if the only substance or derivative subject to Sec. 901e (d) of the Act contained in such drug is chlorobutanol, which is present solely as a preservative and in a quantity not more than 0.5 per cent by weight, and such drug is for parental use only; or

(3) if the only substance or derivative subject to Sec. 901e (d) of the Act contained in such drug is chlorobutanol, which is present as an analgesic or as an analgesic and a preservative in a quantity not more than 3.0 per cent, and such drug contains one or more other active ingredients and and is for parenteral use only.

[Sec. 901e. A drug or device shall be deemed to be misbranded—] (e) if it shall be a drug and shall not be designated solely by a name recognized in an official compendium, unless its label shall bear (1) the common or usual name of the drug, if such there be; and (2) in case it shall be fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity, or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin,

amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substance, contained therein; provided to the extent that compliance with the requirements of subdivision (2) of this subsection shall be impracticable, exemptions shall be established by regulations promulgated by the commissioner and director, acting jointly;

Regulation 18. (Refers to Sec. 901e (e) of the Act.) (This regulation does not apply to drugs dispensed on prescription, as provided in Section 902e of this Act.)

(a) (1) The name of an ingredient, substance, derivative, or preparation required by Section 901e (2) (e) of the Act to be borne on the label of a drug shall be the name thereof which is listed in such Section 901e (e) (2) of the Act, or, if not so listed, shall be a specific name and not a collective name. But if an ingredient is an article the name of which is recognized in an official compendium and such article compendium and such article complies with the specifications set forth therefor in such compendium, such ingredient may be designated on the label of such drug by the common or usual name under which such specifications are so set forth.

(2) Where an ingredient contains a substance the quantity or proportion of which is required by Section 901e (e) (2) of the Act to appear on the label, and such ingredient is not a derivative or preparation of such substance as defined in paragraph (b) (1) of this regulation, the label shall bear, in conjunction with the name of the ingredient, a statement of the quantity or proportion or such substance in such drug.

(3) An abbreviation or chemical formula shall not be considered to be a common or usual name. The name "acetophenetidin" shall be considered to be the same as the name "acetphenetidin", "aminopyrine" the same as amidopyrine." The name "alcohol", without qualification, means ethyl alcohol.

(b) (1) A derivative or preparation of a substance named in Section 901e (e) (2) of the Act is an article which is derived or prepared from such substance by any method, including actual or theoretical chemical action.

(2) A statement on the label of a drug of the name of an ingredient thereof, which ingredient is a derivative or preparation of a substance named in Section 901e (e) (2) of the Act, shall show the substance from which such ingre-

dient is derived or prepared and that such ingredient is a derivative or preparation thereof.

(c) (1) If the drug is in tablet, capsule, ampul, or other unit form, the statement of the quantity or proportion of a substance, derivative, or preparation contained therein shall express the weight or measure of such substance, derivative or preparation in each such unit. If the drug is not in such unit form the statement shall express the weight or measure of such substance, derivative, or preparation in a specified unit of weight or measure of the drug, or the percentage of such substance, derivative, or preparation in such drug. Such statement shall be in terms which are informative to the ordinary consumer and user of the drug.

(2) A statement of the percentage of alcohol shall express the percentage of absolute alcohol by volume at 60° Fahrenheit ((15.56° Centigrade). A statement of the percentage of a substance, derivative, or preparation other than alcohol shall express the percentage by weight; except that, if both the substances, derivative, or preparation and the drug containing it are liquid, the statement may express the percentage by volume at 68° Fahrenheit (20° Centigrade), but in such case the statement shall be so qualified as to show definitely that the percentage is expressed by volume.

(d) In case a statement of the quantity or proportion of a derivative or preparation in a drug is not as informative, to consumers or users of such drug, of the activity or consequences of use thereof as a statement of the quantity or proportion of the substance from which such derivative or preparation is derived or prepared, the quantity or proportion of such substance shall also be stated on the label of drug.

(e) A label of a drug may be misleading by reason (among other reasons) of—

(1) the order in which the names of ingredients, substances, derivatives, or preparations appear thereon, or the relative prominence otherwise given such names; or

(2) its failure to reveal the proportion of, or other fact with respect to, an ingredient, substance, derivative, or preparation, when such proportion or other fact is material in the light of the representation that such ingredient, substance, derivative, or preparation is a constituent of such drug.

(f) (1) A drug shall be exempt from the requirements of clause (2) of Section 901e (e) of the Act if all words, statements, and other information required by or under authority of the Act to appear on the label of such drug, cannot because

of insufficient label space, be so placed on the label as to comply with the requirements of Section 901e (e) of the Act and regulations promulgated thereunder. But such exemptions shall be on the condition that, if the omission from the label of the statement of the quantity of the contents affords sufficient space to state legibly thereon all the information required by such clause (2), such statement of the quantity of the contents shall be omitted as authorized by regulation 15 (m) (1) of the Act, and the information required by such clause (2) shall be so stated as prominently as practicable even though the statement is not of such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase.

(2) A drug shall be exempt from the requirements of clause (2) of Section 901e (e) of the Act with respect to the alkaloids atropine, hyoscine, or hyoscyamine contained in such drug, if such alkaloid is contained therein as a constituent of belladonna, hyoscyamus, scopola, stramonium, or other plant material, or any preparation thereof, which was used as an ingredient of such drug, and no practical and accurate method of analysis exists for the quantitative determination of each such alkaloid in such ingredient. But such exemption shall be on the condition that the label of such drug shall state the quantity or proportion of total alkaloids contained therein as constituents of such ingredient.

[Sec 901e. A drug or device shall be deemed to be misbranded—] (f) unless its labeling shall bear (1) adequate directions for use and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as shall be necessary for the protection of users; provided, when any requirement of subdivision (1) of this subsection, as applied to any drug or device, shall not be necessary for the protection of the public health, the commissioner and director, acting jointly, shall promulgate regulations exempting such drug or device from such requirement.

Regulation 19. (Refers to Sec. 901e (f) of the Act.) (a) Directions for use may be inadequate by reason(among other reasons) of omission, in whole or in part, or incorrect specifition of—

(1) Directions for use in all conditions for which such drug or device is prescribed, recommended, or suggested in its labeling, or in its advertising disseminated or sponsored by or on behalf of its manufacturer or packer, or in such other

conditions, if any there be, for which such drug or device is commonly and effectively used;

(2) quantity of dose (including quantities for persons of different ages and different physical conditions);

(3) frequency of administration or application;

(4) duration of administration or application;

(5) time of administration or application (in relation to time of meals, time of onset of symptoms, or other time factor);

(6) route or method of administration or application; or

(7) preparation for use (shaking, dilution, adjustment of temperature, or other manipulation or process).

(b) A shipment or other delivery of a drug or device shall be exempt from compliance with the requirements of clause (1) of Section 901e (f) of the Act in the following cases—

(1) A drug or device which because of its toxicity or because of the degree of skill required in its administration cannot be used with safety except by or under the supervision of a physician, (dentist or veterinarian); provided, the label of such drug or device bears the statement "Caution — to be dispensed only by or on the prescription of a physician", (dentist or veterinarian as the case may be).

(2) Official drugs which are dispensed only after compounding with other substances in filling prescriptions of physicians, (dentists or veterinarians).

(3) inactive ingredients of drugs such as solvents, colorings and flavorings

(4) Drugs and devices shipped to physicians, (dentists or veterinarians, hospitals or clinics), for use in professional practice and under professional supervision.

(5) A drug or device intended solely for use in the manufacture of other drugs and devices; provided the label of such drug or device bears the statement "for manufacturing purposes only". The term "manufacture" does not incude compounding of a prescription issued by a physician, (dentist or veterinarian), in his professional practice.

(6) Common household preparations, adequate directions for the use of which are known by the ordinary individual.

[Sec. 901e. A drug or device shall be deemed to be misbranded—] (g) if it shall purport to be a drug the name of which is recognized in an official compendium, unless it shall be packaged and labeled as prescribed therein; provided the method of packing may be modified with the consent of the commissioner and director, acting jointly and provided, whenever a drug shall be recognized in both the

United States pharmacopoeia and the homoeopathic pharmacopoeia of the United States, it shall be subject to the requirements of the United States pharmacopoeia with respect to packaging and labeling unless it shall be labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the homoeopathic pharmacopoeia of the United States, and not to those of the United States pharmacopoeia; (h) if it has been found by the commissioner to be a drug liable to deterioration, unless it shall be packaged in such form and manner, and its label shall bear a statement of such precautions, as the commissioner and director, acting jointly, shall by regulations, require as necessary for the protection of public health; provided no such regulation shall be established for any drug recognized in an official compendium until the commissioner shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribed such requirements; (i) if it shall be a drug and its container shall be so made, formed or filled as to be misleading or (2) if it shall be an imitation of another drug or (3) if it shall be offered for sale under the name of another drug; (j) if it shall be dangerous to health when used in the dosage, or with the frequency or duration, prescribed, recommended or suggested in the labeling thereof; (k) if it shall be a drug sold at retail for use by man and shall contain any quantity of amidopyrine, barbituric acid, cinchophen, dinitrophenol, sulfanilamide or thyroid; or any derivative of any of these substances, unless it shall be sold on a written prescription signed by a member of the medical, dental or veterinary profession who is licensed by law to administer such drug, and its label shall bear the name and place of business of the seller, the serial number and date of such member of the medical, dental or veterinary profession. No such prescription shall be refilled except upon written or oral order of the physician.

Sec. 902e. Prescriptions. (a) A drug dispensed on a written prescription signed by a physician, dentist or veterinarian, except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail, shall: If (1) such physician, dentist or veterinarian shall be licensed by law to administer such drug and (2) such drug shall bear a label containing the name and place of business of the dispenser, the serial number and date of such prescription and the name of such physician, dentist or veterinarian, be exempt from the requirements of section 901e, as amended by sections 603h and 710i, except that no prescrip-

tion for amidopyrine, barbituric acid, cinchophen, dinitrophenol sulfanlamide or thyroid, or any derivative of any of these substances shall be refilled except upon the order of the physician.

Sec. 903e. New Drugs. (a) No person shall sell, deliver, offer for sale, hold for sale or give away any new drug unless (1) an application with respect thereto has become effective under section 505 of the federal act, or (2), when not subject to the federal act unless such drug has been tested and has not been found to be unsafe for use under the conditions prescribed, recommended or suggested in the labeling thereof, and prior to selling or offering for sale such drug, there has been filed with the commissioner an application setting forth (a) full reports of investigations which have been made to show whether or not such drug is safe for use; (b) a full list of the articles used as components of such drug; (c) a full statement of the composition of such drug; (d) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of such drug; (e) such samples of such drug and of the articles used as components hereof as the commissioner may require; and (f) specimens of the labeling proposed to be used for such drug.

Regulation 20. (Refers to Sec. 903e, (a) (2) of the Act) An application which is on its face incomplete in that it does not contain all the matter required by clauses (a), (b), (c), (d), and (f) of section 903e (a) (2) of the Act shall not be accepted for filing. The date on which an application is received by the Food and Drug Conmmission shall be considered to be the date on which such application is filed, and the Commissioner shall notify the applicant of such date. If the applicant withdraws his application, such application shall be considered as not having been filed.

[Sec. 903e. (b) An application provided for in subdivision (2) of subsection (a) shall become effective on the sixtieth day after the filing thereof, except that, if the commissioner shall find, after due notice to the applicant and giving him an opportunity for a hearing, that the drug is not safe for use under the conditions prescribed, recommended or suggested in the proposed labeling thereof, he shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

(c) This section shall not apply: (1) To a drug intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety in drugs, provided the drug shall be plainly labeled "For in-

vestigational use only"; or (2) to a drug sold in this state at any time prior to the enactment of this act or introduced into interstate commerce at any time prior to the enactment of the federal act; or (3) to any drug which is licensed under the virus, serum and toxin act of July 1, 1902, (U. S. C. 1934 ed. title 42, Chap. 4). (d) An order refusing to permit an application under this section to become effective may be revoked by the commissioner.

Sec. 904e. Adulterated cosmetics. A cosmetic shall be deemed to be adulterated:(a) If it shall bear or contain any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual; provided; this provision shall not apply to coal-tar hair dye, the label of which bears the following legend conspicuously dispayed thereon: "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness.", and the labeling of which shall bear adequate directions for such preliminary testing, and provided, for the purposes of this subsection and subsection (e), the term "hair-dye" shall not include eyelash dyes or eyebrow dyes;

Regulation 21. (Refers to Sec. 904e, (a) of the Act.) The term "coal-tar hair dye" includes all articles containing any coal-tar color or intermediate, which color or intermediate alters the color of the hair when such articles are applied to the hair under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual.

[Sec. 904e. A cosmetic shall be deemed to be adulterated—] (b) if it shall consist in whole or in part of any filthy, putrid, or decomposed substance; (c) if it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health; (d) if its container shall be composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health, or (e) if it shall not be a hair-dye and it shall bear or contain a coal-tar color other than one that is harmless and suitable for use in cosmetics, as provided by regulations promulgated under section 604 of the federal act.

Sec. 905e. Misbranded cosmetics. A cosmetic shall be

deemed to be misbranded; (a) If its labeling shall be false or misleading in any particular.

Regulation 22. (Refers to Sec. 905e, (a) of the Act.) (a) Among representations in the labeling of a cosmetic which render such cosmetic misbranded is a false or misleading representation with respect to another cosmetic or a food, drug, or device.

(b) The labeling of a cosmetic which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such cosmetic in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

[Sec. 905e. A cosmetic shall be deemed to be misbranded —] (b) if in package form, unless is shall bear a label containing (1) the name and place of business of the manufacturer, packer or distributor and (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count; provided under subdivision (2) of this subsection reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the commissioner and director, acting jointly;

Regulation 23. (Refers to Sec. 905e, (b) of the Act.) (a) If a cosmetic is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person, has with such cosmetic, such as, "Manufactured for and Packed by .....", "Distributed by .....", or other similar phrase which expresses the facts.

(b) The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(c) Where a person manufactures, packs, or distributes a cosmetic at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such cosmetic was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

(d) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not be considered to relieve any cosmetic from the requirement that its label shall not be misleading in any particular.

(e) (1) The statement of the quantity of the contents shall reveal the quantity of cosmetic in the package, exclusive of wrappers and other material packed with such cosmetic.

(2) The statement shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure, which are generally used by the consumers to express quantity of such cosmetic and which give accurate information as to the quantity thereof. But if no general consumer usage in expressing accurate information as to the quantity of such cosmetic exists, the statement shall be in terms of liquid measure if the cosmetic is liquid, or in terms of weight if the cosmetic is solid, semi-solid, or viscous, or in such terms of numerical count, or numerical count and weight or measure, as will give accurate information as to the quantity of the cosmetic in the package.

(f) (1) A statement of weight shall be in terms of the avoirdupois pound and ounce. A statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and shall express the volume at 68° Fahrenheit (20° Centigrade). However, in the case of an export shipment, the statement may be in terms of a system of weight or measure in common use in the country to which shipment is exported.

(2) A statement of weight or measure in the terms specified in subdivision (1) of this paragraph may be supplemented by a statement in terms of the metric system of weight or measure.

(3) Unless an unqualified statement of numerical count gives accurate information as to the quantity of cosmetic in the package, it shall be supplemented by such statement of weight, measure or size of the individual units of the cosmetic as will give such information.

(g) Statements shall contain only such fractions as are generally used in expressing the quantity of the cosmetic. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places.

(h) (1) If the quantity of cosmetic in the package equals or exceeds the smallest unit of weight or measure which is specified in paragraph (f) of this regulation, and which is applicable to such cosmetic under the provisions or paragraph (e) (2) of this regulation, the statement shall express the number of the largest of such units contained in the package (for example, the statement on the label of a package

which contains one pint of cosmetic shall be "1 pint" and not "16 fluid ounces"), unless the statement is made in accordance with the provisions of subdivision (2) of this paragraph. Where such number is a whole number and a fraction, there may be substituted for the fraction its equivalent in smaller units, if any smaller is specified in such paragraph (f) (for examples, 1¾ quarts may be expressed as "1 quart 1½ pints" or "1 quart 1 pint 8 fluid ounces"; 1¼ pounds may be expressed as "1 pound 4 ounces"). The stated number of any unit which is smaller than the largest unit (specified in such paragraph (f)) contained in the package shall not equal or exceed in number of such smaller units in the next larger unit so specified (for example, instead of "1 quart 16 fluid ounces" the statement shall be "1½ quarts" or "1 quart 1 pint"; instead of 24 ounces" the statement shall be "1½ pounds" or "1 pound 8 ounces").

(2) In the case of a cosmetic with respect to which there exists an established custom of stating the quantity of the contents as a fraction of a unit, which unit is larger than the quantity contained in the package, or as units smaller than the largest unit contained therein, the statement may be made in accordance with such custom if it is informative to consumers.

(i) The statement shall express the minimum quantity, or the average quantity, of the contents of the packages. If the statement is not so qualified as to show definitely that the quantity expressed is the minimum quantity, the statement shall be considered to express the average quantity.

(j) Where the statement expressed the minimum quantity, no variation below the stated minimum shall be permitted except variations below the stated weight or measure caused by ordinary and customary exposure, after the cosmetic is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in decreased weight or measure. Variations above the stated minimum shall not be unreasonably large.

(k) Where the statement does not express the minimum quantity—

(1) Variations from the stated weight or measure shall be permitted when caused by ordinary and customary exposure, after the cosmetic is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in change of weight or measure;

(2) variations from the stated weight, measure, or numerical count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting individual packages which occur in good packing practice. But under subdivision (2) of this paragraph variations shall not be permitted to such extent that the average of the quantities in the package comprising a shipment or other delivery of the cosmetic is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment or delivery compensate for such shortage.

. . (f) The extent of variations from the stated quantity of the contents permissible under paragraphs (j) and (k) of this regulation in the case of each shipment or other delivery shall be determined by the facts in such case. . . . .

(m) A cosmetic shall be exempt from compliance with the requirements of clause (2) of section 905e (b) of the Act if the quantity of the contents of the package, as expressed in terms applicable to such cosmetic under the provisions of paragraph (e) (2) of this regulation, is less than one-fourth ounce avoirdupois, or less than one-eighth fluid ounce, or (in case the units of the cosmetic can be easily counted without opening the package) less than six units.

[Sec. 905e. A cosmetic shall be deemed to be misbranded—] (c) if any information or other word or statement, required by or under authority of this act to appear on the label or labeling, shall not be prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or devices in the labeling, and in such terms, as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Regulation 24. . . (Refers to Sec. 905e (c) of the Act.) (a) A word, statement, or other information required by or under authority of the Act to appear on the label may lack that prominence and conspicuousness required by section 905e (c) of the act by reason (among other reasons) of—

(1) the failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) the failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(3) the failure of the label to extend over the area of the container or package available for such extension so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;

(5) insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or any device; or

(6) smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b) (1) All words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear thereon in the English language.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label shall appear thereon in the foreign language.

(3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear on the labeling in the foreign language.

[Sec. 905e. A cosmetic shall be deemed to be misbranded—] (d) if its container shall be so made, formed or filled as to be misleading.

Sec. 906e False advertisements. An advertisement of a food, drug, device or cosmetic shall be deemed to be false, if it shall be false or misleading in any particular.

Sec. 907e False advertisements. The advertisement of a drug or device representing it to have any effect in albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, erysipelas gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, scarlet fever, sexual impotence, sinus in-

fection, smallpox, tuberculosis, tumors, typhoid, uremia or venereal disease, shall also be deemed to be false; except that no advertisement not in violation of section 906e shall be deemed to be false under this section if it shall be disseminated only to members of the medical, dental or veterinary profession, or shall appear only in the scientific periodicals of these professions, or is disseminated only for the purpose of public-health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices; provided, whenever the commissioner and director, acting jointly, shall agree that an advance in medical science has made any type of self-medication safe as to any of the diseases named above, the commissioner and director, acting jointly, shall, by regulation, authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restriction as the commissioner and director, acting jointly, may deem necessary in the interests of public health; and provided this section shall not be construed as indicating that self-medication for diseases other than those named herein is safe or efficacious.

Sec. 908e. Regulations and public hearings. (a) The authority to promulgate regulations for the efficient enforcement of this act is vested in the commissioner and director acting jointly. (b) The purpose of this act being to promote uniformity of state legislation with the federal act, the commissioner and director, acting jointly, are authorized (1) to adopt, so far as applicable, the regulations from time to time promulgated under the federal act and (2) to make the regulations promulgated under this act conform, so far as practicable, with those promulgated under the federal act. (c) Hearings authorized or required by this act shall be conducted by the commissioner and director, acting jointly, or their authorized representative designated for the purpose. (d) The commissioner and director, acting jointly, shall hold a public hearing upon a proposal to promulgate any new or amended regulation under this act, which requires or prohibits any practice in intrastate commerce; except in the case of a proposal to adopt an applicable regulation promulgated under the federal act. The commissioner shall give appropriate notice of such hearing. The notice shall state the time and place of the hearing to be held not fewer than ten days after the date of such notice, except in the case of an emergency found by the commissioner. No regulation promulgated under this act, by order issued after such hearing, shall take effect prior to the thirtieth day after the date

of such order, except in the case of an emergency found by the commissioner.

Sec. 909e. Sampling and examination of samples. (a) The commissioner shall cause the investigation and examination of food, drugs, devices and cosmetics subject to this act. The commissioner or his authorized representative shall have the right (1) to take a sample or specimen of any such article, for examination under this act, upon tendering the market price therefor to the person having such article in custody and (2) to enter any place or establishment within this state, at reasonable times, for the purpose of taking a sample or specimen of such article, for such examination. (3) Samples or specimens taken under the provisions of subsection (a) of this section shall be submitted to the agricultural experiment station or to the bureau of laboratories of the state department of health for examination. (b) When a sample or specimen of any such article shall be taken for examination under this act, the commissioner shall, upon request provide a part thereof for examination by any person named on the label of such article or the owner thereof, or his attorney or agent; except that the commissioner shall be authorized, by regulations, to make reasonable exceptions from, and to impose such reasonable terms and conditions relating to, the operation of this subsection as he shall find necessary for the proper administration of the provisions of this act.

Regulation 25. (Refers to Sec. 909e, (a) and (b)) (a) For the purpose of this Act the term "examination" as applied to samples collected, includes analyses or tests or other examinations.

(b) When an officer or employee of the Food and Drug Commission collects a sample of a food, drug or cosmetic for examination under the Act, he shall collect at least twice the quantity estimated by him to be sufficient for examination, unless—

(1) the amount of the article available and reasonably accessible for sampling is less than twice the quantity so estimated;

(2) the cost of twice the quantity so estimated exceeds $5.00;

(3) the article is perishable;

(4) the examination consists principally of rapid analytical procedures, organoleptic examination, or other field inspection examinations or tests, made at the place where the sample is collected or in a mobile or temporary laboratory.

(c) The Connecticut Agricultural Experiment Station or the Bureau of Laboratories of the State Department of Health are authorized to destroy—

(1) any sample when they determine that no examination of such sample will be made;

(2) any sample or part thereof when the Commissioner determines that no notice under Section 892e (b) of the Act, and no case under the Act, is or will be based on such sample;

(3) any sample or part thereof when the sample was the basis of a notice under Section 892e (b) of the Act, and when, after opportunity for presentation of views following such notice, the Commissioner determines that no other such notice, and no case under the Act, is or will be based on such sample;

(4) any sample or part thereof when the sample was the basis of a case under the Act which has gone to final judgment, and when the Commissioner determines that no other such case is or will be based on such sample;

(5) any sample or part thereof if the article is perishable;

(6) any sample or part thereof when, after collection, such sample or part has become decomposed or otherwise unfit for examination.

[Sec. 909e.] (c) For the purpose of enforcing provisions of this act, pertinent records of any administrative agency of the state government shall be open to inspection by the commissioner or his authorized representative.

Sec. 910e. Records of intrastate shipment. For the purpose of enforcing the provisions of this act, carriers engaged in intrastate commerce, and persons receiving food, drugs, devices or cosmetics in intrastate commerce or holding such articles so received, shall, upon the request of an authorized representative of the commissioner, permit such representative, at reasonable times, to have access to and to copy all records showing the movement in intrastate commerce of any food, drug, device or cosmetic, or the holding thereof during or after such movement, and the quantity, shipper and consignee thereof; and no such carrier or person shall fail to permit such access to, and the copying of, any such records so requested when such request shall be accompanied by a statement in writing specifying the nature or kind of food, drug, device or cosmetic to which such request relates; provided evidence obtained under this section shall not be used in a criminal prosecution of the person from whom

obtained and provided carriers shall not be subject to the other provisions of this act by reason of their receipt, carriage, holding or delivery of food, drugs, devices or cosmetics in the usual course of business as carriers.

Sec 911e. Inspections. For the purpose of enforcing the provisions of this act, the commissioner, or his authorized representative, is authorized (1) to enter, at reasonable times, any factory, warehouse or establishment subject to this act, or to enter any vehicle being used to transport or hold food, drugs, devices or cosmetics in intrastate commerce and (2) to inspect, at reasonable times, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, labeling and advertisements therein,

Sec. 912e. Publicity. (a) The commissioner may cause to be published, from time to time, reports summarizing all judgments, decrees and court orders which have been rendered under this act, including the nature of the charge and the disposition thereof. (b) The commissioner may also cause to be disseminated such information regarding food, drugs, devices or cosmetics as the commissioner shall deem necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the commissioner and director from collecting, reporting and illustrating the results of their examinations and investigations under this act.

Sec. 913e. Separability clause. If any provision of this act shall be declared unconstitutional, or the applicability thereof to any person or circumstances shall be held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Sec. 914. Interpretation. This act and the regulations promulgated hereunder shall be so interpreted and construed as to effectuate its general purpose to enact state legislation uniform with the federal act.

Sec. 915e. Effective date. This act shall take effect July 1, 1940, or upon the effective date of the federal act herein referred to, if such date shall precede July 1, 1940.

Sec. 916e. Repeal. Sections 2432, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442 and 2443 of the general statutes are repealed.

FROZEN DESSERTS
CHAPTER 135

Section 2489. (As amended by Sec. 959c, and Public Act 412 of the 1947 session of the General Assembly.)

A. Definitions.

(1) When used in this act, "commissioner," unless otherwise specified, shall mean the Food and Drug Commissioner.

(2) "Frozen dessert plant" shall mean any place, premises or establishment and any part thereof where frozen desserts as defined in this act are assembled, processed, manufactured or converted into form for distribution or sale, and rooms or premises where frozen desserts manufacturing equipment is washed, sterilized or kept.

(3) "Wholesale manufacturer" shall mean a person who manufactures frozen desserts any of which is sold to another for resale.

(4) "Retail manufacturer" shall mean any manufacturer of frozen desserts who is not defined as a wholesale manufacturer.

(5) "Frozen desserts" shall mean ice cream, French ice cream, frozen custard, ice milk, milk sherbet, ice or ice sherbet and imitation ice cream as defined in this act.

(6) "Milk products" shall mean pure, clean and wholesome cream, pure milk fat, butter, milk, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, condensed skimmed milk, sweetened condensed skimmed milk, dried milk or dried skimmed milk.

(7) "Ice cream" shall mean the pure, clean frozen product made from a combination of two or more of the following ingredients: Milk products, eggs, water and sugar with or without harmless flavoring and with or without harmless coloring, and with or without added stabilizer composed of wholesome and edible material. It shall contain not more than one-half of one per cent by weight of stabilizer, not than ten per cent by weight of milk fat, and not less than eighteen per cent by weight of total milk solids; except; when fruit, nuts, cocoa or chocolate, syrup, cakes or confections shall be used for the purpose of flavoring, then it shall contain not less than ten per cent by weight of milk fat and not less than eighteen per cent by weight of total milk solids, except for such reduction in milk fat and in total milk solids as is due to the addition of such flavoring, but in no such case shall it contain less than eight per cent by

weight of milk fat or less than fourteen per cent by weight of total milk solids. In no case shall any ice cream contain less than one and six-tenths pounds of total food solids per gallon.

(8) "Frozen dessert mix" shall mean any unfrozen mixture to be used in the manufacture of frozen desserts for sale or resale containing in whole or in part the ingredients enumerated under the definitions of ice cream, frozen custard, milk sherbet, ice or ice sherbet and frozen confections. The words "frozen desserts" shall include frozen dessert mix as herein defined. Frozen dessert mix shall contain not more than an average bacterial count of fifty thousand standard plate colonies per milliliter. Frozen dessert mix shall be pasteurized except when it contains only water, sugar and stabilizer with or without color and flavoring. Frozen dessert mix shall be labeled with the name and address of of the manufacturer, the name of the product, the date of pasteurization, the percentage of butter fat and the percentage of total food solids.

(9) The term "French ice cream" or "frozen custard" shall be applied only to ice cream as above defined which contains clean, wholesome egg yolk solids equivalent to not less than five dozen egg yolks to each ninety pounds of mix. Ice cream mix containing not less than one and four-tenths per cent of egg yolk solids shall be deemed to meet the foregoing requirements.

(10) "Ice milk" shall mean the pure, clean frozen product made from a combination of two or more of the following ingredients: Milk products, eggs, water and sugar, with or without harmless flavoring or harmless coloring, and with or without added stabilizer composed of wholesome edible material. It shall contain not more than one-half of one per cent by weight of stabilizer, not less than three per cent and not more than ten per cent by weight of milk fat, and not less than fourteen per cent by weight of total milk solids. In no case shall any ice milk contain less than one and three-tenths pounds of total food solids per gallon.

(11) "Milk sherbet" shall mean the pure, clean frozen product made from milk products, water and sugar, with or without harmless flavoring or harmless coloring, and with or without added stabilizer composed of wholesome, edible material. It shall contain not to exceed five per cent by weight of milk solids.

(12) "Ice or ice sherbet" shall mean the pure, clean frozen product made from water and sugar, with or without harmless flavoring or harmless coloring, and with or without

added stabilizer composed of wholesome edible material. It shall contain no milk solids.

(13) "Imitation ice cream" shall mean any frozen substance, mixture or compound, regardless of the name under which it is represented which is made in imitation or semblance of ice cream, is prepared or frozen as ice cream is customarily prepared or frozen and which is not ice cream, French ice cream, frozen custard, ice milk sherbet or ice, as defined in this act.

B. Records.

Each manufacturer of frozen dessert mix shall keep, in the form prescribed by the commissioner for each frozen dessert and frozen dessert mix plant operated by him, a true and correct record showing milk and milk products received and frozen dessert and frozen dessert mix manufactured. Such record shall show, among other things, (1) as to milk products received, (a) the date of receipt, (b) the weight or volume, (c) the kind of milk product of mixture containing a milk product. (d) the percentage of milk fat contained therein and (e) the name and address of the person from whom purchased or obtained; (2) as to frozen desserts and frozen dessert mix manufactured, (a) the date, (b) the volume (c) the class of frozen desserts and frozen dessert mix and (d) the average percentage of milk fat contained therein. Not later than the tenth day of each month, an inventory shall be prepared showing the amount of each kind of milk product, mixture containing a milk product and frozen desserts and frozen dessert mix on hand, as of the last day of the preceding month. The records required by this act shall be legibly written in English, shall be preserved at the frozen desserts or frozen dessert mix plant for a period of six months, and shall be open at all times for inspection by the commissioner or his representatives.

C. Statistical Reports.

Each manufacturer of frozen desserts and frozen dessert mix for sale shall file with the commissioner, upon a form prescribed by him, not later than the tenth day of each month a statement for the preceding month showing the amount of each class of frozen desserts and frozen dessert mix manufactured, the ingredients used in the manufacture of such frozen desserts and frozen dessert mix and such other statistical information as the commissioner shall require.

D. Application for License. (As amended by Section 878e-1939 and Sec. 518g-1943.

Each manufacturer of frozen desserts and frozen dessert mix for sale shall, during the month of February in each year, file with the commissioner an application for a license, upon a form prescribed by the commissioner. The application shall show the location of each plant at which frozen desserts and frozen dessert mix are to be manufactured and the name of the brand or brands, if any, under which the same are to be sold. The license period shall be for twelve months beginning March first. The license fee shall be based upon the number of gallons manufactured during the previous calendar year.

E. License Fees. (Public Act 272.)

(1) The license fee for a retail manufacturer of frozen desserts shall be one dollar for one thouand gallons or less, and one dollar for each additional thousand gallons or fraction thereof manufactured at each plant. The license fee for a wholesale manufacturer to manufacture frozen desserts or frozen dessert mix within Connecticut or to sell within Connecticut as the case may be, shall be twenty-five dollars for the first twenty-five thousand gallons or fraction thereof and an additional sixty-five cents per thousand gallons or fraction thereof above twenty-five thousand gallons manufactured or sold in Connecticut. In any case where dessert mix is manufactured by a particular manufacturer and such mix is subsequently converted by the same manufacturer into frozen dessert, either in the same plant or in another owned by such manufacturer, the license fee payable by such manufacturer on account of all the processes wherein such mix is concerned shall be computed on the basis of the total number of gallons of finished frozen dessert so manufactured using such mix and no license fee shall be due or payable on any such frozen mix so manufactured and used. The fee shall be tendered to the commissioner with the application and, upon the issuance of the license, shall be remitted by the commissioner to the state treasurer.

F. Issuance of License.

The commissioner, if satisfied that the plant or plants named in the application are maintained in accordance with the standards of sanitation, and that only pure and wholesome ingredients produced under sanitary conditions are used as prescribed in the rules and regulations promulgated under the authority of this act, shall issue a license for the manufacture of frozen desserts and frozen dessert mix. No license shall be issued if any statement in the application shall be false or misleading, or if the brand name or label or advertisement of the frozen dessert and frozen dessert mix invol-

ved in the application shall give a false indication of origin, character, composition or place of manufacture, or shall be otherwise false or misleading in any particular.

G. Revocation or Suspension of License.

Any license may be revoked by the commissioner after notice to the licensee by mail or otherwise and opportunity to be heard if it shall appear that any statement upon which it was issued was false or misleading or that any frozen dessert and frozen dessert mix manufactured by the licensee is adulterated or misbranded, or was manufactured in a plant not maintained in accordance with the standards of sanitation prescribed in the rules and regulations promulgated under the authority of this act, or that the brand name or any label or advertising of any frozen dessert and frozen dessert mix manufactured by the licensee gives a false indication of origin, character, composition or place of manufacture, or is otherwise false or misleading in any particular. A license may also, after such notice and hearing, be suspended for any of the foregoing reason until the licensee shall comply with the conditions prescribed by the commissioner for its reinstatement.

H. Appeal.

The action of the commissioner in refusing to grant a license or in revoking or suspending a license, shall be subject to appeal to the superior court for Hartford county.

I. Prohibition as to Sale.

No person shall sell, advertise or offer or expose for sale any frozen dessert or frozen dessert mix unless the manufacturer thereof shall be a licensee under the provisions of this act. No person shall sell, offer for sale or advertise for sale any frozen dessert or frozen dessert mix if the brand name of the frozen dessert or frozen dessert mix or the label upon it or the advertising accompanying it shall give a false indication of the origin, character, composition or place of manufacture, or shall be otherwise false or misleading in any particular. No person shall sell, advertise or offer or expose for sale any imitation ice cream.

J. Pasteurization. (As amended by Sec. 435f-1941.)

All milk or milk products used in the manufacture of frozen dessert mix shall be from a source approved by the commissioner. Except in the case of home made frozen desserts, the milk products of which are produced on the premises where manufactured, the mix, with or without flavor or color, shall be of milk or cream produced from a blood-

tested herd found to be free from Bang's disease or be pasteurized by heating to a temperature of not less than one hundred and forty-two degrees Fahrenheit and holding at such temperature not less than thirty minutes, and cooling to a temperature of not more than fifty degrees Fahrenheit; or as prescribed in the rules and regulations; such temperature, recorded by a standard recording thermometer, and such time shall be noted on charts to be kept in a manner approved by the commissioner. Immediately following pasteurization and cooling, frozen dessert mix for sale as such shall be placed in sterilized containers and shall be sealed and labeled in a manner satisfactory to the Food and Drug Commissioner, and the seal shall not be broken, except in the plant where the mix is to be frozen into a dessert.

K. False Labeling of Product and Illegal Use of Equipment.

(1) No person shall sell or offer or expose for sale frozen desserts or frozen dessert mix which is falsely labeled as to the name of the manufacturer or place of manufacture, or in any other respect.

(2) No person shall misrepresent in any manner the name of the manufacturer or the place of manufacture of frozen desserts or frozen dessert mix.

(3) No person shall use or cause or permit to be used for the purpose of preserving or holding frozen desserts, any cabinet, can, container or other equipment owned by any other person without the written consent of such owner, and all such equipment shall be labeled with the wholesale manufacturer's name and address.

(4) No person shall place any frozen dessert of one manufacturer in the cabinet, can, container or other equipment belonging to another manufacturer.

(5) No person other than the owner shall remove, erase, obliterate, cover or conceal the owner's name or any distinguishing mark or device which may be on any cabinet, can, container or other equipment. Each wholesaler shall declare on invoices the brand name of all ice cream, frozen desserts or frozen dessert mix delivered by him to retailers, and each retailer shall retain such invoice for inspection by the commissioner for a period of thirty days. Each package or container of ice cream or frozen dessert shall bear the name of the manufacturer.

L. Rules and Regulations.

The commissioner shall, from time to time, after inquiry and public hearing, adopt and promulgate rules and regula-

tions to supplement and give full effect to the provisions of this act. Such rules and regulations, among other things, shall establish sanitary regulations pertaining to the manufacture and distribution of frozen desserts and frozen dessert mix, including the sanitary condition of buildings, grounds and equipment where frozen desserts and frozen dessert mix are manufactured, the sanitary condition of persons coming in direct physical contact with frozen desserts and frozen dessert mix during manufacture, the sanitary condition of containers in which frozen desserts and frozen dessert mix are held or shipped, and the sanitary condition of premises, buildings surroundings and equipment where frozen desserts and frozen dessert mix are sold or dispensed in any form from wholesale or retail outlets, fountains, vehicles, concessions or stands. Such rules and regulations shall be filed in the office of the secretary of the state and shall be open for public inspection at the principal office of the department. A copy of such rules and regulations shall be mailed to each manufacturer licensed under the provisions of this act.

M. Any person who shall violate any provision of this act or the rules and regulations provided for in this act shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

REGULATION CONCERNING THE MANUFACTURING AND HANDLING OF FROZEN DESSERTS AND FROZEN DESSERTS MIX

A. Grades for Ice Cream.

CERTIFIED ICE CREAM is ice cream produced in accordance with the Connecticut Statutes, and in which the milk products are of the Certified grade. It shall not contain more than an average bacterial count of 25,000 standard plate colonies per cubic centimeter.

GRADE A ICE CREAM is ice cream produced in accordance with the Connecticut Statutes, and in which the milk products are of the Certified or Grade A grades. It shall not contain more than an average bacterial count of 50,000 standard plate colonies per cubic centimeter.

GRADE B ICE CREAM is any ice cream other than Certified or Grade A which conforms to the legal standards for ice cream. Grade B ice cream may be labeled "Grade B" or not, according to the option of the manufacturer.

B. Premises.

The buildings in which frozen desserts or frozen dessert mix are manufactured or handled and the surroundings shall be maintained in a clean and orderly manner, with the yards well-drained, free from refuse, odors, dust or other conditions which might contaminate the product.

C. Manufacturing and Handling Rooms.

(1) Rooms in which frozen desserts or frozen dessert mix are manufactured or handled shall be adequately ventilated and lighted, having walls and ceiling of smooth finish, kept clean, with all openings through which dust or flies might enter properly screened and protected. The floor shall be smooth, impervious to water and in good repair, so constructed that it can be readily kept clean by the use of water and cleaning solution. Where necessary adequate pitch to the floor and properly trapped drains shall be provided.

(2) All storage rooms, boxes and cabinets shall be so constructed that they can be maintained in a clean and sanitary condition free from objectionable odors. Cartons, supplies and materials shall be protected in storage against dust, dirt and vermin.

D. Equipment

(1) All utensils and equipment used in the manufacturing or handling of frozen desserts or frozen dessert mix shall be of a design capable of being readily taken apart for the

washing of all parts with which frozen desserts or frozen dessert mix comes in contact; with all angle joints smoothly soldered, and all pipe lines of sanitary construction without blind ends or tightly closed elbows.

(2) Work benches and shelves used in the manufacturing or handling of frozen desserts or frozen dessert mix shall be so constructed that they can be kept in a clean and sanitary condition. All utensils and equipment used in the manufacturing of frozen desserts or frozen dessert mix shall be kept in good repair and satisfactory working condition.

(3) Covered metal waste cans shall be provided in all rooms used for the manufacturing of frozen desserts or frozen dessert mix and the contents of these cans shall be disposed of daily.

(4) Mix pasteurizers shall be equipped with flush valves where necessary to insure proper pasteurization of the mix.

(5) Coolers shall be equipped with covers unless the cooler is in a separate mix room free from possible contamination.

E. Manufacturing Practices.

(1) All utensils and equipment used in the manufacturing and handling of frozen desserts and frozen dessert mix shall be completely dismantled after each day's operation, and all parts with which frozen desserts or frozen dessert mix have come in contact shall be thoroughly washed with hot water and a cleaning solution, and effectually sterilized. All such utensils and equipment after assembling, shall be again effectually sterilized immediately before use.

(2) Hot and cold running water shall be provided at wash sinks of suitable size and constructon for the proper cleansing of all utensils and equipment necessary to be washed in a sink or vat.

(3) Charts for use on recording thermometers shall be approved by the Food and Drug Commission before use, and shall be dated and signed by the licensed operator at time of use.

(4) Suitable liners shall be provided for metal containers used for frozen dssserts of those flavors which cause corrosion of metals.

F. Labeling.

All containers for frozen desserts, packaged at the place of manufacture or at other than the place of dispensing, and all frozen desserts mix containers, shall bear conspicuously the class name of the product, name of the manufacturer and ad-

dress of the manufacturer. All ingredients including coloring, flavoring, stabilizers, etc., must be clearly and properly labeled, kept in covered containers and in a suitable storage place in a clean and orderly manner.

G. Toilets and Lockers.

Adequate toilet and locker facilities shall be provided for employees. No toilet room shall open directly into any room used for the manufacturing and handling of frozen desserts and frozen dessert mix. Wash basins shall be provided together with single service towels.

H. Health Certificates.

All persons who come in contact with the manufacturing or handling of frozen desserts or frozen dessert mix in a manufacturing plant shall be healthy and be subject to an annual health examination as required by the State Department of Health.

I. Use of Tobacco.

Use of tobacco and spitting in rooms used for the manufacturing and handling of frozen desserts or frozen dessert mix shall not be allowed.

J. Bacterial Standard.

No frozen dessert or frozen dessert mix shall contain more than 100,000 standard plate count bacterial colonies per c. c. as a logarithmic average of three consecutive counts.

REGULATIONS CONCERNING THE LABELING OF FROZEN DESSERTS

Ingredient designation is not required of those frozen desserts which are defined in the Connecticut Frozen Dessert Act.

The declaration of artificial flavoring, artificial coloring or chemical preservative must appear on the label as required in Section 897e (k) of the Food, Drug and Cosmetic Act:

(1) Artificial color may be declared by the use of the term "artificial color" or "color added". Artificial flavor may be declared as "artificially flavored". In the declaration of added color and artificial flavor in frozen desserts sold at retail from bulk containers, the law will be considered to be complied with if the consumer is informed of the presence of artificial color or artificial flavor by placards or circulars conspicuously placed.

(2) Those packaged frozen desserts in family size packages which are advertised on flavor boards in stores will be sufficiently labeled as to artificial flavor and color if the proper designation is made on the flavor panels prominently displayed in a similar manner as that suggested for bulk ice cream.

(3) Placard or flavor panel declaration of artificial color and artificial flavor in packaged frozen desserts is optional, as the law can also be complied with by the actual printing of the cartons to show the addition of artificial flavor and color.

(4) Frozen dessert novelties to be eaten in hand, such as Lily Cups, Dixie Cups, and those novelties sold in cellophane bags and on sticks, shall be labelel by the use of a properly printed individual container.

(5) The use of the term "home made" is limited to those products actually manufactured in the home and under conditions which prevail in the home. Frozen desserts made in a factory or by factory processes, or from commercially made mix, are not home made.

REGULATIONS GOVERNING THE DISPENSING OF FROZEN DESSERTS AND THE MANUFACTURE OF FROZEN DESSERTS AT TEMPORARY STANDS.

A. Premises.

(1) All premises where frozen desserts are dispensed shall be maintained in a clean and sanitary condition with all openings properly screened or protected against flies and dust.

(2) Suitable toilets shall be provided for the use of employees, and all toilets shall be maintained in a clean and and sanitary condition, and be screened against flies. No toilet shall open directly into a room used in the handling or dispensing of frozen desserts.

(3) Suitable wash basins and single service towels shall be provided for use of emplcyees.

B. Protection of Food.

Frozen desserts, fruits, flavors, ice cream cones, etc., shall be protected from flies, dirt and dust.

C. Washing of Utensils

An adequate supply of hot and cold water shall be provided for washing purposes, and all utensils which are not in constant use shall be thoroughly washed after each use by cleansing with hot water and soap and then rinsing in clean hot water; or by other means approved by the Food and Drug Commissioner.

D. Equipment

(1) Utensils, single service cups, dishes, spoons and drinking straws, etc., shall be protected from flies, dust and dirt.

(2) Frozen dessert cabinets shall be clean and present a neat appearance. The holes and wells containing bulk or package frozen desserts shall be clean and free from objectionable odor, and shall be kept covered except when frozen desserts are being dispensed therefrom or placed therein.

(3) Utensils and devices used in dispensing frozen desserts shall be kept clean, and water in which they are kept when not in use shall be clean. Such dispensing utensils and devices shall be kept in running water when it is piped to the building in which frozen desserts are sold. When running water is not available such dispensing utensils and devices shall be rinsed through one water and kept in another compartment filled with clean water.

(4) Frozen dessert cans shalll be used for no other purpose than to store frozen desserts. The cabinet compartments, or package receptacles containing frozen desserts shall be used for no other purpose than to store frozen desserts.

E. Personal Health and Cleanliness.

(1) Every person engaged in dispensing frozen desserts shall wear clean clothing and shall avoid contact with any substance that may contaminate frozen desserts.

(2) No person who has any communicable disease shall be employed in any capacity where frozen desserts are dispensed or sold.

F. Package Dispensing.

Only frozen desserts in package form shall be dispensed from places where suitable facilities for washing utensils are not available.

G. Temporary Stands.

Any person who manufactures or dispenses frozen desserts or frozen dessert mix at temporary stands shall comply with the same regulations as other manufacturers and dispensers except that those provisions regarding the construction of rooms in which frozen desserts and frozen dessert mix are manufactured, and the provisions regarding running water shall not be required; but other provisions with reference to proper screening against flies, washing of utensils, and the protection of ingredients, food products, and utensils against dust and other contamination shall apply equally to all kinds of manufacturers of frozen desserts or frozen dessert mix.

BAKE SHOPS
CHAPTER 139

Section 2518. Regulations (As amended by Chapter 229, Public Act, (1935).

Subsection 1. Each building or room occupied as a bakery shall be so situated as not to be exposed to contamination from its surroundings, shall be drained and plumbed in a manner conducive to a healthful and sanitary condition, shall be adequately lighted and shall have such air shafts and windows, or ventilating pipes, to insure ventilation as the Food and Drug commissioner shall direct. Each bakery shall be provided with a wash room and water-closet apart from the bakeroom and any room where the manufacture of food products is conducted, and one locker shall be provided for each employee. No water-closet, earth-closet or privy shall be within or communicate directly with a bakery. Rooms used for the manufacture of flour and meal foods shall be at least eight feet in height. The side walls of such rooms shall be plastered or wainscoted, and the ceilings plastered or ceiled with lumber or metal, and, if sanitation requires, shall be whitewashed or painted upon order of the commissioner. All bakeries shall be free of vermin. Doors, windows, transoms and skylights shall be tightly screened between May first and November first of each year. The furniture, utensils and floors of such rooms shall be kept in a sanitary condition and fly-tight metal refuse containers shall be provided and emptied each day. The manufactured flour or meal food products shall be kept in clean, dry and airy rooms. Hot and cold running water shall be provided at a sink of sufficient size to be used for the washing of baking utensils. Flour shall be stored on racks at least six inches above the floor and all raw materials shall be protected in a sanitary manner at all times. The sleeping rooms shall be separated from the rooms where food products are manufactured or stored. No person, firm or corporation shall operate a bakery without having obtained from said commissioner a certificate of inspection describing the building used as a bakery and stating that the same complies with the laws of this state relating to bakeries, which certificate shall be kept posted by the owner or operator of such bakery in a conspicuous place in the shop described in such certificate or in the sales room connected therewith. All vehicles used in the transportation of bakery products shall be kept in a sanitary condition, so far as the compartments in which such products are carried are concerned and have the name and address of the

owner or proprietor of the bakery legibly printed on both sides. Each compartment in which unwrapped bakery products are transported shall be enclosed. No person, firm or corporation shall sell or distribute bread or pastry products of any bakery located beyond the boundaries of this state unless such bakery shall have obtained a certificate of inspection from said commissioner. Such certificates shall be valid for one year from July first to June thirtieth, inclusive, and a fee therefor shall be collected as follows: From a person, firm or corporation owning or conducting a shop in which there are four persons or fewer engaged in baking, one dollar; in which there are not fewer than five nor more than nine persons so engaged, ten dollars; in which there are ten or more persons so engaged, twenty-five dollars. Such certificate may be revoked by said commissioner for cause and, when revoked, said commissioner shall cite the person operating such bakery or, in the case of a corporation, the manager, to appear before him within ten days thereafter to show cause why such certificate should not remain revoked. No person, firm or corporation shall open a new bakery without having given at least ten days' notice to said commissioner of intention to open such bakery, which notice shall contain a description of the building proposed to be used as such bakery and shall give its location. Upon receipt of such notice, said commissioner shall examine the premises and, if found to comply with the provisions of the statutes relating to bakeries, shall issue such certificate of inspection. The provisions of this section shall not prevent local health authorities from enforcing orders or regulations concerning the sanitary condition of bakeries

Subsection 2. Section 2520 of the general statutes is amended to read as follows: No employer shall permit any person to work in his bake shop who is affected with pulmonary tuberculosis or a scrofulous or venereal disease or with a communicable skin affection, and each employer shall maintain himself and his employees in a clean and sanitary condition, with clean, washable outer clothing, while engaged in the manufacture, handling or sale of food products. No person shall be allowed to smoke in a bakery while in the performance of his duty.

Subsection 3. Section 640b of the 1933 supplement to the general statutes is amended to read as follows: No person shall remove any bread loaf, roll or bun or any other bread or pastry product made in a licensed bakery from such bakery, unless such product shall be wrapped and sealed in clean unused paper, unprinted or printed on one side only, or shall

be placed in a bag which shall be sealed or closed in such a manner as to prevent the entry of dust or foreign substance, except that any such product may be delivered in a closed container to hotels, restaurants, institutions and bakeries, and to branches of the bakery in which such product was made. The Food and Drug commissioner shall prohibit the use of any container not capable of keeping such product in a sanitary condition while in the process of delivery. Any bread or pastry product which shall be displayed for sale, shall be in a glass show case or in an inclosed display window unless completely wrapped. All bread delivered to stores when not open for business shall be placed in closed containers or upon stands at least two feet above the ground. Any person who shall deliver, display or sell any such pastry or bread product in violation of any provision of this section shall be fined not more than twenty-five dollars or imprisoned not more than thirty days or both.

Subsection 4. The Food and Drug commissioner shall enforce the provisions of this act.

Sec. 2519. Underground Rooms Not To Be Used. No room or rooms either wholly or partly underground, not used as a bakery, on August 15, 1905, shall be used as a bakery, and no such room or rooms then used as a bakery, which have since been or shall be closed, shall be again used as a bakery; but no such room or rooms closed on account of fire, attachments, observance of religious ceremonies or quarantine regulations, shall be deemed to be closed within the meaning of this section. A bake shop shall be deemed to be closed whenever for any reason except those specified herein, the business of baking for the public shall be suspended therein.

Sec. 2521. Orders of Food and Drug Commisssioner. The owner, agent or lessee of any property used as a bakery shall, within thirty days after the service of notice upon him of an order issued by the Food and Drug commissioner. comply therewith or cease to use or allow the use of such premises as a bake shop. Such notice shall be in writing and may be served upon such owner, agent or lessee, either personally or by mail, and a notice by registered letter, mailed to the last known address of such owner, agent or lessee, shall be sufficient service.

Sec. 2522. Penalty. Any person who shall violate any provision of this chapter or shall fail to comply with an order of the Food and Drug commissioner shall be fined not

more than fifty dollars for the first offense, shall be fined not more than one hundred dollars or imprisoned not more than ten days for the second offense and shall be fined not more than two hundred dollars and imprisoned not more than thirty days for each subsequent offense.

Sec. 2523. Application of Bake Shop Provisions to Other Shops. The provisions of this chapter shall apply to all confectionery, candy, ice cream and macaroni factories and all other factories for the preparation of food stuffs, tobacco and cigars. In any factory of the above-named classes where the food and drug commissioner shall have cause to suspect that an operative or employees has any disease enumerated in the statutes pertaining thereto, he shall have authority to cause an examination to be made of such suspected case by a physician.

CHAPTER 135
General Statutes, Revision of 1930

Sec. 2454. Manufacture and Sale of Bread. The word ""bakery" is defined, for the purpose of this section, as follows: A building or part of a building wherein is carried on as a principal occupation the production of bread, cakes pies or other food products made either wholly or in part of flour. Standard loaves of bread, produced in any bakery and procured or kept for the purpose of sale, offered or exposed for sale or sold, shall be of the following standard avoirdupois weights: One pound or one and one-half pounds or some multiple of one pound. The provisions of this section shall not apply to biscuits, buns, crackers, rolls or loaves weighing less than one-quarter pound per unit, or to what is commonly known as "stale" bread and sold as such, provided the seller at the time of sale shall expressly state to the buyer that the bread so sold is stale bread. Loaves of bread produced in any bakery which shall not be of any of the standard weights herein provided for, which shall be procured or kept for the purpose of sale, offered or exposed for sale or sold, shall have their weight plainly and conspicuously stated in one of the following ways: Bread wrapped in paper or other material prior to the time of sale to have, on the outside of such wrapper, a plain statement of the weight of the loaf of bread contained therein; bread sold or exposed for sale without being wrapped, to have, on each loaf, either a pan impression plainly setting forth its weight, or a label attached to the loaf on which its weight shall be plainly written or printed. The weight marks on such wrappers or labels shall be printed in plain, heavy, Gothic, capital letters and figures not less than five thirty-seconds of an inch in height, and shall not be affixed to the loaf in a manner or with a gum or paste which is unwholesome or insanitary. No loaf of bread shall be produced in any bakery which shall, within twelve hours after delivery by the baker, vary more than one ounce per pound from the standard or marked weight. The weight of twelve loaves of bread selected at random from any one baking of bread shall not be less than the total of the standard or marked weight of such loaves. Any person who, by himself or by his agent or servant, shall violate any provision of this section shall, upon the first conviction, be fined not more than two hundred dollars, and upon a subsequent conviction not more than five hundred dollars or imprisoned not more than six months or both.

REGULATIONS CONCERNING THE MANUFACTURE AND DISPENSING OF CREAM-FILLED OR CUSTARD FILLED PASTRIES

1. For the purpose of this regulation a cream or custard mix or cream or custard filler is defined as a material consisting principally of sugar, eggs, and milk; either with or without a thickening agent, heated, cooled, and applied to pastry without subsequent heating to a temperature of 180 degrees F. or higher.

2. The custard mix shall be heated to a temperature of 180 degrees F. or higher, then cooled immediately to a temperature of 50 degrees F. or lower, and maintained at this temperature until used for filling.

3. During the month of April, May, June, July, August and September custard-filled products shall not be manufactured or offered for sale unless they are kept under continuous refrigeration at a temperature of 50 degrees F. or less from the time of manufacture until dispensed to the consumer. This regulation applies to hotels restaurants, and distributors as well as to bakeries.

4. All equipment and utensils with which custard filling comes in contact shall be cleaned and sterilized by a method approved by the Food and Drug Commissioner.

REGULATION CONCERNING THE LABELING OF BAKED PRODUCTS

The law will be considered to be complied with:

(1) If, in the case of bakers who do a retail business from show cases, the ingredients used in the manufacture of various classes of baked products are designated on placards or on circulars in such a way as to clearly inform the purchaser.

(2) If, in the case of house-to-house bakers, circulars listing the ingredients for different varieties of bakery products are available, upon request, to the purchaser.

(3) If all wrappers used both by bakers who do a retail business from show cases and by house-to-house bakers are printed with the name and address of the manufacturer of the article so wrapped.

(4) If, in the case of stores which buy bakery products in bulk and sell to the public at retail, the baker of the product will furnish suitable wrappers bearing the name and address of the manufacturer for use of the retailer in the packaging of these bakery products when sold at retail.

(5) The use of the term "home made" is limited to those products actually manufactured in the home and under conditions which prevail in the home.

NON-ALCOHOLIC BEVERAGES

Chapter 136

Sec. 2490. License. The Food and Drug commissioner is authorized to issue licenses for the business of bottling water and manufacturing and bottling beverages for the purpose of sale, and upon application therefore by any person, firm or corporation, which application shall be in writing, signed by the applicant, and shall describe the person to be licensed and the place where such manufacturing or bottling is to be carried on, and no person, firm or corporation shall engage in such business without having secured such a license.

Sec. 2491 License Fee. (As amended by Section 605h) A fee of twenty dollars shall accompany each application for the license provided for in Section 2490. Each such license shall expire on the thirtieth day of June next following the issuance thereof. Such license shall be in such form as the commissioner shall determine and shall be kept exposed to view in a conspicuous place upon the premises where such business shall be conducted or carried on. All fees received for such licenses shall be paid by the commissioner to the state treasurer. No person, firm or corporation shall sell or offer for sale within the state any beverages manufactured or bottled beyond the boundaries of the state unless such person, firm or corporation shall have made application for and secured a license from said commissioner upon the payment of twenty dollars and no such license shall be issued by said commissioner until such establishment shall have been inspected by him or his agent or until such establishment shall have furnished said commissioner a certificate from the commision having the enforcement of the beverage law in the state where such establishment is located that such establishment complies in every respect with the requirements of the Connecticut beverage law.

The provisions of this section shall not apply to out-of-state manufacturers, bottlers or distributors of malt and cereal drinks, grape juice, lime juice, fruit flavored syrups, powders or mixtures, concentrated fruit juices or fruit and vegetable juices.

Sec. 2492. Equipment of Manufacturing Establishments. (As amended by Chapter 160, Public Acts of 1935.) The establishment used for the preparation, manufacture and bottling of any beverage shall be adequately lighted and ventilated and all floors shall be constructed of cement, concrete or tile laid in cement, or other material impervious to

water, and shall have sufficient pitch to insure drainage; walls and ceilings shall be varnished or painted in light color and kept clean; doors, windows and other openings of any room in which beverages or the ingredients of such beverages shall be prepared shall be screened and all entrances and exits shall be equipped with automatic closing devices and each room in such establishment shall have at least one device for the catching of flies. Wash basins, sinks and toilets shall be provided for employees and no toilet shall open directly into any room used for the preparation or bottling of any beverages.

The syrup room shall be separately enclosed, well ventilated and lighted, provided with sinks and taps for hot and cold water, thoroughly protected against vermin, flies, dirt and dust and so constructed as to be easily cleaned. Each such establishment shall be equipped with adequate and efficient machinery for the soaking, automatic cleaning and sterilizing of all bottles in which any such beverage or water shall be placed for the purpose of sale. Cases and bottles shall be stored in such manner as not to interfere with the sanitation of bottling room. The term "beverage" as used in this chapter, shall include all bottled non-alcoholic beverages, including those commonly known as "soda water"; all bottled non-alcoholic proprietary beverages by whatever names called, including malt and cereal drinks; grape juice, lime juice and other fruit juices and vegetable juices, put up in containers; fruit-flavored syrups, powders or mixtures and concentrated fruit juices, when sold at retail and designed for the preparation of beverages through the addition of water, with or without sugar, and all bottled spring and mineral waters.

Sec. 2493. (As amended by Chapter 160, Public Acts of 1935.) Unclean bottles shall be exposed to a three and one-half per cent alkali solution of which not less than sixty per cent is caustic (sodium hydroxide), for a period of not less than five minutes at a temperature of not less than one hundred and twenty degrees Fahrenheit or to an equivalent cleansing and sterilizing process. The bottles shall be rinsed free of all caustic in potable water. No bottle shall be used on which the rubber part of the stopper may come into contact with the beverages. No person shall use as containers for beverages the "Hutchinson plunger" bottles or re-use any cap, crown or stopper. Caps, crowns or stoppers, before use, shall be kept in a device having a self-closing cover, and such caps, crowns or stoppers shall be placed on the bottles with an automatic capping device. All containers in which syrups, fruit juices, syrup fruit juices or flavors or

other extracts shall be stored or prepared shall be constructed of porcelain, glass, glaze-lined metal or stone crocks, provided prepared syrups or extracts may be retained in the original containers in which they were delivered. Such containers shall be covered at all times.

Sec. 2494. No impure ingredients. Sugar contents. No impure, contaminated or polluted water shall be used for the manufacture of such beverages. All wells and springs supplying water shall be covered to prevent surface contamination. No impure or adulterated material and no saccharin or coal tar, other than certified color, shall be used in the manufacture of such beverages. Beverages, other than cereal beverages, cider or spring or mineral water, shall have a sugar content of not less than five per centum by weight. No false or fraudulent statements or designs shall be displayed concerning such beverages.

Sec. 2495. Employment of persons suffering from contagious diseases. (As amended by Sec. 437f, 1941.) No person suffering from any communicable or contagious disease shall be employed in or about an establishment where beverages shall be manufactured or bottled. No person shall be employed in such establishment during the time in which a case of contagious disease shall exist in the house in which he shall reside, nor until such house shall have been disinfected, provided such person may be so employed if the local board of health shall issue a certificate that no danger of public contagion or infection would result from the employment of such persons in such establishment. Persons actually employed in the manufacture or bottling of beverages as defined in this chapter shall be required to file health certificates with the Food and Drug commissioner in a manner and form prescribed by said commissioner.

Sec. 2496. Inspection of establishment. No such license shall be issued until the place where the applicant therefor proposes to conduct such business shall have been inspected by the commissioner or his agent and found to be in a clean and sanitary condition, and such place shall be inspected at least twice each year and at such other times as the commissioner shall consider necessary.

Sec. 2497. Suspension and Revocation of License. The commissioner, after hearing, of the time and place of which reasonable notice shall have been given, may suspend or revoke any such license for any of the following causes: The use of any polluted water or failure to conduct such business in a sanitary place and under sanitary conditions;

the use of saccharin or any ingredient impure or injurious to health; a conviction for a violation of the federal or state prohibition laws; failure to comply with the provisions of Chapter 135, relating to the manufacture of pure foods, so far as the same may apply to the provisions of this chapter or failure to comply with any order of the commissioner under the provisions of this chapter. No person, during any period when his license shall be suspended or revoked, shall manufacture any beverage or sell or offer for sale any beverage previously manufactured by him. No person shall sell any beverage from open containers.

Sec. 2498. Containers to have Name of Manufacture or Trade Mark Thereon. (As amended by Sec. 968c of the 1935 Supplement to the General Statutes and Public Act 306.) Labels or crowns on all bottles and containers shall plainly state the nature of the contents and the kind and amount of preservative whenever present, as well as presence of artificial color and artificial flavor. Only certified colors may be used. No person, firm or corporation shall sell, offer for sale or give away within the state any beverages in bottles or other containers unless each of such bottles or containers or crowns thereto affixed shall have blown into it, etched or engraved or otherwise indicated thereon, in a conspicuous place, the name and address of the person, firm or corporation manufacturing or bottling such beverage, or the name of the registered trademark of such beverage, provided the place of manufacture is indicated on the bottle or container. The filling or refilling of any glass, jar, bottle or other container, with beverages, water, mineral water or any other drink or fluid, with intent to sell or vend such water, beverage or fluid, which bears the label of any other person, firm or corporation or which has blown into it the name or trade mark of any person, firm or corporation, without the consent of such person, firm or corporation, shall constitute misbranding in violation of the provisions of Section 897e of the 1939 Supplement to the General Statutes.

Sec. 2499. Appeal. Any person aggrieved by reason of the refusal of said commissioner to grant any such license, or by the suspension or revocation of any such license, may, within ten days after such refusal or such suspension or revocation, appeal to the superior court in the county in which such business shall be conducted. Each such appeal shall be taken to the next return day or the next return day but one after such refusal, suspension or revocation and shall not be taken until the applicant shall file with the appeal a bond, with surety, in the amount of one hundred dollars, condi-

tioned that the applicant shall pay all taxable costs in the event that he shall fail to prevail in such appeal. In such appeal, costs shall be taxed as in civil cases, but no costs shall be taxed in favor of any such appellant. Upon any such appeal, said court shall review such refusal suspension or revocation and the causes therefor and grant such relief in the premises as it may determine.

Sec. 2500. Penalty. (As amended by Chapter 160, Public Acts of 1935.) Any person who shall violate any provision of Chapter 136 of the General Statutes as herein amended shall be fined not more than three hundred dollars or imprisoned not more than three months or both.

APPLE JUICE AND CIDER
CHAPTER 136A

Section 438f. Under the provision of this Act apple juice is exempted from the provisions of chapter 136 of the General Statutes as amended, entitled "Non-Alcoholic Beverages."

Sec. 439f. Any plant or place where juice is extracted from apples or put in containers shall be registered with the Food and Drug commissionner and shall be subject to sanitary inspection by the Food and Drug commissioner or his agent and to labeling regulations promulgated by the Food and Drug commissioner.

Sec. 440f. The Food and Drug commissioner shall, after hearing duly called and held, promulgate regulations providing for the sanitary inspection of such establishments as shall call their product "cider" and, in addition, shall draw up special sanitary regulations for plants desiring to call their product "apple juice" and requiring that clean, sound apples be used in the manufacture of said "apple juice."

Sec. 441f. The registration fee shall be two dollars per year and shall accompany registration application. Each registration shall expire on June thirtieth next following the issuance thereof. The form or registration application shall be specified by the Food and Drug commissioner.

Sec. 442f. Any person who shall violate any provision of this act, or the regulations promulgated by the Food and Drug commissioner under the authority contained herein, shall be subject to the penalties prescribed by section 969c of the 1935 supplement to the general statutes.

REGULATIONS FOR THE MANUFACTURE OF APPLE CIDER AND APPLE JUICE

For the purposes of these regulations apple cider is defined as a product derived by pressing the natural juice from sound apples, and manufactured under conditions prescribed for the manufacture of such product. Apple juice shall be manufactured by extracting from clean, sound apples the natural juices therefrom under regulations prescribed for the manufacture of same.

It must be remembered at all times that apple cider and apple juice are food products and must be treated as such The addition of any foreign ingredients must have the approval of the Food and Drug Commissioner.

Before cider or apple juice is manufactured, approval of plant, layout, equipment, and storage bins must be obtained from the Food and Drug Commissioner.

REGULATIONS FOR MANUFACTURE OF APPLE CIDER

Equipment must be housed.

Equipment must stand on a floor which can be cleaned. Dirt floors will not be allowed in custom and commercial mills. Walls, floors and ceiling of building must be kept cleaned.

All equipment must be thoroughly cleaned at the end of each day's run, this to include washing and drying of cloths and scraping of racks.

When second hand bottles are used or returned bottles accepted, such bottles must be thoroughly washed with soap and hot water and rinsed with potable water before being refilled.

Bottles must be filled from a spigot or syphon started by bulb pressure. Use of mouth-started syphons is prohibited. Syphons must be cleaned daily. Containers and spigots must be thoroughly cleaned before refilling.

Pomace must be stored at least fifty feet from the building in which the cider mill is located and in such a manner as not to contribute to insanitary conditions.

No person suffering from any communicable or contagious disease shall be employed in or about an establishment where apple cider shall be manufactured or bottled. No person shall be employed in such establishment during the time in which a case of contagious disease shall exist in the house in which he shall reside, nor until such house shall have been disinfected, provided such person may be so employed, if the local board of health shall issue a certificate that no danger of public contagion or infection would result from the employment of such person in such establishment.

Each container in which cider is sold must carry a label bearing the name of the contents, the name and address of the manufacturer, or bottler, the volume of contents and the presence of preservative, if any is used. If any water is added to the juice the presence and amount of such water must be declared on the label.

Owners of custom mills must keep a record of the names and addresses of all customers, such records to be available for examination by the Food and Drug Commisioner or his duly authorized agent.

REGULATIONS FOR THE MANUFACTURE OF APPLE JUICE

The manufacture of apple juice shall be encouraged, it being the purpose of all interested in the industry to educate the public to expect a product prepared under more stringent regulations than is cider.

Manufacturers of apple juice must abide by all regulations designated for the manufacture of apple cider and in addition:

Must use clean, sound apples only.

Concrete floors must be provided in pressing and bottling rooms said floors to be so graded as to be easily cleaned.

Sufficient supply of hot and cold running water must be available in the plant for the cleaning of equipment. Walls and ceilings shall be varnished or painted in light color on or before August 1, 1942, and kept clean; doors, windows and other openings of any room in which apple juice shall be prepared and/or placed in containers shall be screened, and all entrances and exits shall be equipped with automatic closing devices and each room in such establishment shall have at least one device for the catching of flies. Wash basins, sinks and toilets shall be provided for employes and no toilet shall open into any room used for the preparation or bottling of apple juice. An adequate supply of soap and single service towels shall be available for use by the employees.

Precaution shall be taken to safeguard apple juice from contamination by dust and windborne filth.

New containers only shall be used unless bottle washing equipment of the type used in carbonated beverage plant be used, making it possible to soak the bottles in a solution containing 3½% alkali, of which 60% must be caustic (sodium hydroxide), for a period of at least five minutes at 120°F. and then rinsed in potable water. New containers shall be rinsed with hot water.

To insure maintenance of quality, apple juice must be put in containers for retail sale, and labeled at place of manufacture, and cannot be sold for bottling. There shall be approved sealing of containers.

The regulations relating to the health of employees in apple cider manufacturing plants shall prevail in apple juice manufacturing plants, and in addition each employee shall have an annual health certificate on a form prescribed by the Food and Drug Commissioner.

No license required as of July 1, 1949

SALE OF OLEOMARGARINE AND IMITATION BUTTER
CHAPTER 135
GENERAL STATUTES 1930

Sec. 2444. Oleomargarine and Imitation Butter. Any article resembling butter and not made wholly from milk or any product of milk, salt and coloring excepted, shall be oleomargarine or imitation butter within the meaning of this chapter. The term "oleomargarine" and the term "imitation butter" shall include butterine and any article made or compounded in imitation of butter or as a substitute for butter and not made exclusively from milk or any product thereof, salt and coloring excepted, and any article labeled or branded as oleomargarine upon which a tax is collected by the federal government. The term "butter", "dairy" or "creamery" or the name or term of any breed of cattle or any combination of any such names or terms or any symbol thereof shall not be used in whole or in part upon or to form the name of any oleomargarine or imitation butter, or upon any box, tub or package containing oleomargarine or imitation butter.

Sec. 2445. License to Manufacture or Sell Imitation Butter. No person shall manufacture, sell, offer or expose for sale, or have in his possession with intent to sell or use, oleomargarine, butterine or renovated butter, unless annually licensed by the Food and Drug commissioner. Any person who shall keep, store or display any oleomargarine, butterine or renovated butter with other merchandise, or have any such commodity in his custody or control, shall be deemed to offer the same for sale under the provisions of this section or section 2446. Such license shall be issued in the form approved by the commissioner, shall be hung in a conspicuous place in the premises where such business is conducted, shall contain the name of the licensee an a description of the premises wherein such business is to be conducted and shall expire June thirtieth in each year. The application for such license shall be in such form as the commissioner shall prescribe and shall contain the name of the applicant and a description of the place and character of the business conducted by such applicant. Each application for such license shall be accompanied by the following fee, payable to the treasurer of the state:

License Fees. For making oleomargarine, butterine or renovated butter, one hundred dollars;

For selling oleomargarine, butterine or renovated butter in quantities of more than ten pounds, fifty dollars;

For selling oleomargarine, butterine or renovated butter at retail in quantities of not more than ten pounds, six dollars;

For the use of oleomargarine, butterine or renovated butter by a hotel, restaurant, dining-room or bakery, three dollars.

A license may be issued under the provisions of this section from the first day of any month to expire the following thirtieth day of June, at a rate proportionate to the yearly rate.

Penalties for Failure to Renew License. Any person who, under the provisions of this section, is required to pay a fee of one hundred dollars and who shall fail to secure such license, shall pay in addition to such fee the sum of twenty dollars for each month or fraction thereof during which such failure shall continue;

Any person so required to pay a fee of fifty dollars who shall fail to secure such license shall pay, in addition thereto, the sum of ten dollars for each month or fraction thereof of such failure;

Any person so required to pay a fee of six dollars who shall fail to secure such license shall pay, in addition thereto, the sum of fifty cents for each month or fraction thereof of such failure.

Any person so required to pay a fee of three dollars who shall fail to secure such license shall pay, in addition thereto, the sum of fifty cents for each month or fraction thereof of such failure.

Penalty. The managing officer or agent of a corporation or any other person who shall violate any provision of this section or section 2446 shall be fined not more than one hundred dollars.

Sec. 2446. Sale of Imitation Butter Regulated. No person, by himself, his agent or servant, shall render or manufacture, sell, offer or expose for sale, take orders for the future delivery of, or have in his possession with intent to sell, any article, product or compound, made wholly or partly from any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same which shall be in imitation of yellow butter produced from pure unadulterated milk or cream from the same; but the provisions of this section shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration and from any ingredient intended to cause it to look like butter. No person shall sell any oleomargarine, butterine or renovated butter at retail except it be sold in packages containing not more than five pounds, such packages to have printed thereon on

two sides in letters not less than one-quarter of an inch square the words "oleomargarine", "butterine" or "renovated butter", as the case may be, also the name and address of the manufacturer. No imitation butter shall be sold, exposed for sale or delivered except under the following conditions:

(1) The seller shall maintain in plain sight, over the main outer entrance of the premises where the selling is done, a sign bearing in plain black Roman letters, not less than two inches wide and four inches long, on a white ground, the words "sold here" preceded by the name of the imitation article. If the selling be done from a vehicle, such vehicle shall conspicuously bear such sign upon both sides of such vehicle upon the outside;

(2) All imitation butter shall be kept in an inclosing package which shall bear on the outside of its body and cover at all times in plain sight of a beholder of the package in black Roman letters, not less than one inch wide and two inches long on a white or light-colored ground, the name of the imitation article.

All cases containing packages of imitation butter of five pounds or less, after being opened, shall bear a sign in black Roman, letters, not less than one inch wide and two inches long, on a white or light-colored ground, the name of the imitation article.

All signs prescribed in this section and in sections 2447 and 2448 shall be provided by the commissioner, and all signs required to be maintained in plain sight over the main outer entrance of the premises where the selling is done shall be placed in position subject to the direction of the commissioner or his agents. All signs so furnished by the commissioner shall be paid for by the parties receiving the same, at the actual cost thereof.

Sec. 2447. Vendor Must Expose Sign. No baker or vendor of food shall sell or expose for sale any article of food containing imitation butter unless such baker or vendor shall maintain the kind of a sign prescribed by sub-section (1) of section 2446 in the way and manner prescribed therein, except that the word "used" shall be susbtituted for the word "sold": If the selling is done from a vehicle, such vehicle shall conspicuously bear such sign.

Sec. 2448. Hotel Keeper Must Expose Sign. No keeper of a hotel, boarding house or restaurant, temporary or permanent, shall furnish a guest with imitation butter or food containing it, unless such keeper shall maintain in plain

sight of all guests sitting at tables where food is served such a sign or signs as prescribed by section 2446, except that the word "used" shall be substituted for the word "sold".

Sec. 2449. Penalties. Any person violating any provision of section 2444, 2446 and 2447, and any person, except a boarding house keeper, violating the provision of section 2448 shall, for the first offense, be fined not more than one hundred dollars or imprisoned not more than sixty days or both; for each subsequent offense, he shall be fined not more than two hundred dollars or imprisoned not more than four months or both. Any boarding house keeper violating the provisions of section 2448 shall, for the first offense, be fined twenty-five dollars or imprisoned not more than thirty days or both; for each subsequent offense, he shall be fined not more than fifty dollars or imprisoned not more than sixty days or both. Evidence of any such violation shall be **prima facie** evidence of willful violation.

Sec. 2450. Renovated Butter. No person, by himself or agent, or otherwise, shall sell, expose for sale or have in his possession with intent to sell, any article which is produced by taking original packing stock or other butter, or both, melting the same so that the butter fat can be drawn off, and mixing such butter fat with skim milk, cream or other milk product, and rechurning the mixture, or by any similar process, and which is commonly known as process butter, unless he shall have the words "Renovated Butter" conspicuously stamped, labeled or marked, in a straight line in printed letters not less than one-half inch in length of plain Gothic type, so that said words cannot be easily defaced, upon the top, side and bottom of every tub, firkin, box or package containing such article or compound. The seller at retail of such article or compound, which is not in the original of such article or compound, which is not in the original package, shall, himself or by his agent, attach to each package sold and deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place upon the outside of the package, the words "Renovated Butter" in printed letters not less than one-half inch in length in a straight line of plain Gothic type. Any person who shall violate any provision of this section shall be fined not less than ten dollars nor more than one hundred dollars. The manufacture, sale and use of renovated butter shall be regulated by the use of such signs as are prescribed for the use and sale of oleomargarine in sections 2446, 2447 and 2448, but the words "Renovated Butter" shall be substituted for the word "Oleomargarine".

Sec. 2451. Tub Butter. Repealed by Chapter 38, Public Acts of 1931.

Sec. 2452. Print Butter. No person shall, by himself, his servant or agent, sell or offer or expose for sale, or have in his possession with intent to sell, any print butter unless the package or wrapper containing the same shall have conspicuously printed thereon, in letters or figures not less than one-half inch in height, in plain Gothic type, the net weight of the butter contained therein. Any person who shall violate any provision of this section shall be fined not more than twenty-five dollars.

REGULATION CONCERNING THE LABELING OF BUTTER

As required in the Connecticut Food, Drug and Cosmetic Act, Section 13 (k), artificial color in butter for Connecticut must be marked "artificially colored" or "color added" in letters that are legible and easily read and are to be placed on the package in such a way as likely to be read under customary conditions of purchase. Declaration should be on the main panel or panels in connection with the word "butter". Quarter-pound prints must bear the declaration.

When tub butter is offered for sale at retail, added color should be declared on conspicuous label or placard. Packages of bulk butter put up in the presence of the purchaser do not require a label.

REGULATION CONCERNING THE LABELING OF CHEESE

Section 13 (k) of the Connecticut Food, Drug and Cosmetic Act requiring the declaration of artificial color in cheese will be considered to be complied with in the case of bulk cheese if the term "artificial color" or "added color" is plainly stamped on the rind, or if a placard bearing this designation is displayed near the cheese on the show case or on the wall or shelf, so that the prospective purchaser will be properly informed.

In the case of cartoned or packaged cheese the declaration of added color in the product may be plainly stamped on the carton or package in connection with the main panel; or may be designated on a placard conspicuously displayed.

Section 939c (A). Rocms used for the retail dispensing of alcoholic beverages shall be clean, well-lighted and ventilated and free from flies and vermin.

All plumbing shall be of sanitary construction and kept in sanitary condition.

Premises which are licensed to serve both men and women shall be provided with two separate toilets which shall bear suitable signs. Toilet rooms shall be adequately ventilated and screened to exclude flies. Wash bowls, water closets and other toilet fixtures shall be kept in good repair and in a sanitary condition.

Single service towels shall be provided.

(B). The bar shall be clean, in good repair and contain a suitable sink and drain board to which shall be piped an adequate supply of hot and cold running water.

All beverages pipe lines shall be constructed entirely of metal and kept clean.

Air intakes for pressure dispensing systems shall be to pure air supplies.

(C). There shall be an adequate supply of clean drinking receptacles available at the bar at all times.

All other utensils and bar equipment shall be thoroughly washed in hot water at least once each day.

(D). All food in storage or on display shall be either wrapped or stored in clean, closed containers.

(E). Operators and employees of such alcoholic beverage dispensing places shall have clean hands and wear clean clothing while engaged in dispensing such beverages, and shall be free from communicable diseases.

(F). Any person who shall violate any provision of this act shall be fined not more than twenty-five dollars or imprisoned not more than ten days or both. Each violation of any provision of this act shall constitute a separate offense.

Section 880e. Beer pipe lines and barrel tubes used for the dispensing of alcoholic beverages in places where such dispensing is carried on shall be cleaned at least once each week, by the use of hydraulic pressure mechanism, hand pump suction or a force cleaner or other system approved by the Food and Drug commissioner, or shall be permanently

kept clean by a device approved by said commissioner. After cleaning, the lines shall be rinsed with clear water until all chemicals, if any have been used, have been removed.

Sec. 881e. Beer shall not be caused or permitted to flow through copper or lead tubing unless such copper or lead tubing shall be plated with tin so that the beer shall not come in direct contact with the copper or lead.

Sec. 882e. Beer may be drawn by means of gas by any of the folowing described methods: By the use of carbon dioxide, or carbonic gas, or by the use of electrical, hydraulic or mechanical pumps. If pumps shall be used, the intake for such pumps shall be taken from the outside of the building where fresh and clear air is available, and such intake shall be protected by a suitable filter or filters.

Sec. 883e. Each person, firm or corporation conducting a business in this state, in the operation of which is required, by this act or any other statutory provision, the cleaning of beer coils or barrel tubes or the sterlization of receptacles in which alcoholic beverages are served, shall register its name, the address of its place of business and a statement of the methods and chemicals used in such cleaning, in the office of the Food and Drug commissioner.

Sec. 884e. Each person, firm or corporation engaged in the business of cleaning beer coils and barrel tubes shall furnish, without charge, to each person employing it to clean such coils or tubes, a record card, the form of which shall be approved by the Food and Drug commissioner. Such record card shall, when correctly filled out, show the date of each cleaning during a period of six months and the method used, and shall be signed by the person who performed such cleaning operation and shall, thereupon be signed by such employer, notarized and forwarded immediately to the Food and Drug commissioner. Such card shall be kept upon the permit premises during the period to which it applies and shall be available at all times for inspection by the Food and Drug commissioner and by the local enforcement officers.

Sec. 885e. Any person who shall violate any provision of this act shall be fined not more than twenty-five dollars or imprisoned not more than ten days.

REFRIGERATED LOCKERS
CHAPTER 135 SECTION 602h

SECTION A. When used in this act, unless the context otherwise requires, the following terms shall have the meanings hereinafter specified. "Food" shall mean articles used for food or drink for man or other animals; "locker" shall mean the individual sections or compartments of a capacity not to exceed twenty-five cubic feet in the locker room of a locker plant or branch locker plant; "locker plant" shall mean a location or establishment in which individual lockers are rented to individuals for the storage of food at or below a temperature of forty-five degree above zero Fahrenheit and having a chill room and sharp freezing facilities and facilities for cutting, preparing, wrapping and packaging foods; "branch locker" shall mean any location or establishment in which individual lockers are rented to individuals for the storage of food at or below a temperature of forty-five degrees above zero Fahrenheit, after preparation for storage at a central plant; "sharp freezer" shall mean the freezing of food in a room in which the temperature is at zero Fahrenheit or lower; "operator" shall mean any person, firm or corporation operating or maintaining a locker plant or branch locker plant; "commissioner" shall mean the Food and Drug commissioner.

SEC. B. No person, firm or corporation shall operate a locker plant or branch locker plant without obtaining from the Food and Drug commissioner a license for the operation of the same. Application for such license shall be on a form provided by said commissioner. All licenses shall expire annually December thirty-first.

SEC. C. The license fee for a locker plant or branch locker plant shall be five dollars for a plant having two hundred or fewer individual lockers, and an additional fee of one dollar for each additional one hundred lockers or fraction thereof shall be charged.

SEC. D. The commissioner is authorized, after a public hearing duly called and held to make reasonable regulations for the operation of refrigerated locker plants and branch locker plants including construction of such plants, temperature control, sanitation and such other matters as in his judgment may be necessary for the protection of the public health.

SEC. E. For the purpose of enforcing the provisions of this act and the regulations promulgated hereunder, the

commissioner or his authorized agents shall have free access at reasonable times to any locker plant or branch locker plant, but not to any individual locker therein, for the purposes of inspection.

SEC. F. The commissioner, after notice and hearing, may revoke or suspend the license issued for any locker plant or branch locker plant for failure by the person, firm or corporation operating the same to comply with the provisions of this act or regulations promulgated under authority thereof.

SEC. G. Any person aggrieved by the doings of the commissioner under the provisions of this act may appeal to the superior court of the county in which said locker plant or branch locker plant is located or in which he resides, or, if the court is not in session, to a judge thereof, which court or judge may grant appropriate relief.

SEC. H. Any person, firm or corporation which violates any provision of this act or regulation made hereunder, shall be fined not more than one hundred dollars.

SEC. I. This act shall be known as the "Connecticut Refrigerated Locker Act", and is intended in the interest of public health to regulate the operation of plants for the storage of food in individual refrigerated lockers.

ADMINISTRATIVE REGULATIONS CONCERNING THE OPERATION OF REFRIGERATED LOCKER PLANTS

Adopted March 6, 1946

A. All frozen food locker plants, branch locker plants, processing rooms and aging boxes, shall be maintained in a clean, sanitary and orderly manner.

B. Rooms used for the cutting, packing and processing of foods shall be properly screened to exclude flies during the fly season.

1. No toilet shall open directly into any room used for the cutting, packing or processing of food.

2. Each processing room shall be provided with a suitable sink and an adequate supply of running hot and cold water for washing and sterilizing equipment.

3. Bones, scraps, and other refuse shall be kept in suitable containers and removed daily from the processing room.

4. Clean, washable outer garments shall be worn by all persons working in a processing room.

5. The operator shall see that no person afflicted with a communicable or contagious disease shall be allowed to work in any processing room and that the personal hygiene of all persons so engaged shall be such as to meet the approval of the commissioner.

6. The outside surroundings of all processing rooms, as well as the locker plant itself, shall be maintained in a clean sanitary manner.

C. The temperature of refrigerated locker rooms shall be maintained at a temperature of 0° to plus 5° F. except in cases of unusual circumstances beyond the temporary control of the operator.

1. Sharp freezing compartments, or sharp freezing plates, when used for the purpose of quick freezing foods shall be maintained at approximately 20° below zero F., plate temperature.

2. Aging rooms shall be maintained at a temperature of 37° above zero F. with a tolerance of 5° above or below, except where adequately protected by bacteria control equipment.

D. Not later than January 1, 1947, each locker room in a locker plant, or branch locker plant, shall be equipped with an accurate recording themometer.

1. Each such recording thermometer shall be equipped with a chart perforator and chart so used shall designate the operating range of at least 10° above and 10° below zero in graduation of 1° so that accurate temperature readings can be made.

2. The bulb of all recording thermometers shall be installed so as to indicate the temperature at the warmest levels of the locker room and in general shall be located in the upper third of the distance from floor to ceiling. Said bulb shall not be placed in a direct bast of air from a cooling unit or cooling coil or other heat exchange device or near the entrance door. The temperature accuracy of the recording thermometer shall be checked at the time of installation and thereafter periodically by plant operator. The inspector shall, likewise, check the temperature accuracy of the recording thermometer at the time an inspection is made.

3. All recording thermometer charts shall be dated showing the date covered by each chart and shall be kept on file for inspection by the Commissioner for a period of one year.

4. Electric clocks or hand-wound clocks as well as 24 hour or 7 day charts for all recording thermometers may be optional and left to the discretion of the operator.

E. The operator of each frozen food locker plant, or branch locker plant, shall provide suitable means of safety for patrons entering locker rooms.

1. All locker rooms shall be equipped with a bell, buzzer, phone, or other similar device to insure the safe exit of persons visiting said locker rooms.

SALE OF INEDIBLE EGGS
(Chapter 107. Sec. 487h)

(b) The sale of inedible eggs, as defined under the Federal Food, Drug and Cosmetic Act, or incubated eggs, is prohibited, except that incubated eggs may be sold as commercial feed or for other commercial purposes other than human consumption, provided such incubated eggs are broken and denatured on the premises where incubated, in a manner approved by the Food and Drug Commissioner.

Subsection (b) of section 487h shall be administered by the Food and Drug commissioner as provided under section 490h.

SALE OF MOLASSES AND VINEGAR
CHAPTER 135

Sec. 2455. Adulteration of Molasses. Any person who shall adulterate molasses, or who shall sell, offer or expose for sale, or solicit or receive an order for the sale or delivery of within this state or for delivery of without this state for shipment into this state, any molasses adulterated with salts of tin, terra alba, glucose, dextrose, starch, sugar, corn syrup or other preparation of or from starch, shall be fined not more than five hundred dollars or imprisoned not more than one year or both. The delivery of any of the above-mentioned preparations, upon an order solicited or received within this state, shall be conclusive evidence that the order upon which such delivery was made was for such articles and shall render the person soliciting or receiving such order liable to the penalty above prescribed.

Sec. 2456. Impure Vinegar. No person shall make, sell offer or expose for sale or exchange or solicit or receive any order for the sale or delivery within the state, or for delivery without the state for shipment into the state of; (1) Any vinegar, as cider vinegar, not wholly produced from the juice of apples; (2) any vinegar or article sold or to be sold as vinegar, to which has been added any drug, or any hurtful or foreign substance, or any coloring matter, or any acid; or (3) any vinegar not having an acetic acidity equivalent therein of not less than four per centum by weight of absolute acetic acid and, in case of cider vinegar, not less than one and six tenths per centum by weight of cider vinegar solids upon full evaporation over boiling water. Any person who shall violate any provision of this section shall be fined not more than fifty dollars for a first offense, and for a subsequent offense shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both. The delivery of any of the above-mentioned articles upon an order solicited or received within the state shall be conclusive evidence that the order upon which such delivery was made was for such articles.

Sec. 2457. Sale of Vinegar Regulated. No person shall make and sell, or make and offer for sale, any vinegar without conspicuously branding, stenciling or painting, upon the head of the barrel, cask, keg or package containing the same, the name of the maker, his residence, the place of manufacture and the true name of the kind of vinegar contained therein as "cider vinegar", "wine vinegar", "malt vinegar" or "wood

acid vinegar". The provisions of this section shall not apply to retail sales at the place of manufacture in quantities of less than five gallons and in open packages. Any person who shall violate any provision of this section shall be fined not more than fifty dollars for the first offense and for each subsequent offense not more than one hundred dollars.

SALE OF EQUINE MEAT IN PUBLIC EATING PLACES

(Chapter 135. Sec. 519g.)

No person, firm or corporation conducting a public eating place shall sell or offer for sale for human consumption any food containing equine meat or equine meat products, in whole or in part, without indicating such contents on each item thereof, or after each item thereof on the menu or bill of fare, in the same size print or writing as the largest size print or writing used in naming or describing such food. The provisions of this section shall be under the control and supervision of the Food and Drug commissioner. Any person, or the responsible agent of any firm or corporation, who violates any provision of this section shall be fined not more than one thousand dollars or imprisoned not more than one year or both. Effective May 5, 1943.

LICENSING OF MANUFACTURERS AND WHOLESALERS OF DRUGS BY THE COMMISSIONER OF FOOD AND DRUGS PUBLIC ACT 334, 1947

Section 1. As used in this act, the word "wholesaler" shall mean a person who manufactures, bottles, packs or purchases drugs, medical devices or cosmetics for the purpose of reselling to retailers; the word "manufacturer" shall mean a person who manufactures, bottles or packs drugs, medical devices or cosmetics for the purpose of selling to wholesalers or retailers. The words "drugs," "devices" and "cosmetics" shall have the meanings ascribed to them in section 887e of the 1939 supplement to the general statutes, as amended, by section 436f of the 1941 supplement.

Sec. 2. No wholesaler or manufacturer shall operate as such until he has received a certificate of registration issued by the Commissioner of Food and Drugs, which certificate shall be renewed annually. A fee of fifty dollars shall be charged for each such certificate and renewal thereof. No such certificate shall be issued to a manufacturer unless such drugs, medical devices or cosmetics are manufactured or compounded under the direct supervision of a licensed pharmacist or a qualified chemist, nor to a wholesaler unless such drugs, medical devices or cosmetics are dispensed under the direct supervision of a licensed pharmacist or a qualified chemist.

Sec. 3. No manufacturer or wholesaler shall sell any drugs except to the state or any political subdivision thereof, to any hospital or dispensary, to a practicing physician, dentist or veterinarian or to a licensed pharmacy or a store to which a permit to sell proprietary and patent medicines has been issued as provided in sections 1148c and 1149c of the 1935 supplement to the general statutes.

Sec. 4. Any person who violates any provision of this act shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

Sec. 5. This act shall take affect July 1, 1947.

DISTRIBUTION OF DRUGS AND POISONS
CHAPTER 135, GENERAL STATUTES 1930

Sec. 2460. Distribution of Drugs and Poisons. Any person who shall, by himself, or his servant or agent, distribute or give away in any street or highway or from house to house, any bottle, box, envelope or package containing any liquid medicine, or any pill, powder, tablet or other article, which shall contain any drug or poison, shall be fined not more than fifty dollars or imprisoned not more than one year or both.

FALSE ADVERTISING
CHAPTER 332, GENERAL STATUTES 1930

Sec. 6375. Untrue and Misleading Advertisements. Any person, firm or corporation or association, or any agent or employee thereof, who, with intent to sell or dispose of merchandise, real estate, securities or service or to induce the public to enter into any obligations relating thereto, shall make, publish, circulate or place before the public, in a newspaper, magazine or other publication or in form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label or tag, any advertisement or statement regarding merchandise, real estate, securities or service, which advertisement or statement shall contain anything untrue, deceptive or misleading, shall be fined not more than one thousand dollars.

SALE OF WOOD ALCOHOL
CHAPTER 147
GENERAL STATUTES 1930

Sec. 2674. **Sale and Use of Articles Containing Wood Alcohol.** Any person who shall sell, exchange, offer for sale or exchange or deliver to another, any wood alcohol, known as methyl alcohol, shall affix to the vessel or container holding the same a label bearing the words "wood alcohol, poison", printed or written thereon in letters not less than one-fourth of an inch in height. No person shall sell, exchange, offer for sale or exchange, or deliver, or have in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for external or internal use on or within the human body, or any perfume or toilet article, containing any wood alcohol known as methyl alcohol. Any person violating any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than six months or both. The Food and Drug commissioner shall cause a prosecution to be instigated for any violation of the provisions of this section.

ADULTERATION OF TURPENTINE
CHAPTER 135

Sec. 2461. Adulteration of Turpentine. No person, firm or corporation shall manufacture, mix for sale, offer or expose for sale, or have in his or its possession with intent to sell, or sell, under the name of turpentine or spirits of turpentine, any article not wholly distilled from rosin, turpentine gum or scrapings from pine trees, and unmixed and unadulterated with oil, benzine or any other substance, unless the package containing the same shall be labeled "Adulterated Spirits of Turpentine". Nothing herein contained shall be construed as prohibiting the manufacture or sale of such compound or imitation, provided the package containing the same shall be plainly marked as such. Any package in which such turpentine is delivered shall be plainly marked "Adulterated Spirits of Turpentine". The Food and Drug commissioner and the director of the Connecticut Agricultural Experiment Station, acting jointly, shall enforce the provisions of this section. Said commissioner and his assistants, deputies, experts, chemists or official agents shall have access to all places of business and buildings where turpentine is kept for sale or stored, and shall have authority to open any receptacle supposed to contain turpentine, inspect the contents and take samples thereof for analysis. Any person who shall violate any provision of this section, or any member of a partnership or officer of a corporation who shall authorize or direct any such violation, shall be fined not more than one hundred dollars for the first offense and not less than one hundred nor more than two hundred dollars for the second offense and shall be fined not more than five hundred dollars or imprisoned not more than thirty days or both for the third offense. Prosecutions for such violations shall be conducted pursuant to the provisions of section 2440.

INSECTICIDES AND FUNGICIDES
(Chapter 137

Sec. 2501. The term "insecticide" shall include any substance, or mixture of substances intended to destroy or repel insects. The term "Paris green" shall include the product commercially known as Paris green and chemically known as acetoarsenite of copper. The term "lead arsenate" shall include the products commercially known as lead arsenate consisting chemically of products derived from arsenic acid (H_3AsO_4) by replacing one or more hydrogen atoms by lead. The term "fungicide" shall include any substance or mixture of substances intended to lessen the growth of or destroy fungi.

Sec. 2502. Paris green shall be deemed adulterated: (a) When it shall not contain at least fifty per centum of arsenious oxide (As_2O_3); (b) when it shall contain arsenic in water-soluble forms equivalent to more than three and one half per centum arsenious oxide (As_2O_3); or (c) when any substance ate, not dry or powdered, shall be deemed adulterated: (a) shall have been mixed and packed with it so as to reduce, lower or injuriously affect its quality or strength. Lead arsen-When it shall contain more than fifty per centum of water; (b) when it shall contain total arsenic equivalent to less than twelve and one-half per centum arsenic oxide (As_2O_5); (c) when it shall contain arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum arsenic oxide (As_2O_5); or (d) when any substance shall have been mixed and packed with it so as to reduce, lower or injuriously affect its quality or strength; provided lead arsenate and mixture shall be labeled lead arsenate and water and the perture shall contain more than fifty per centum of water if such water shall not be deemed to be adulterated when such mixcentage of water shall be plainly and correctly stated on the label. Dry or powdered lead arsenate shall be deemed adulterated when it shall contain total arsenic equivalent to less than twenty-five per centum of arsenic oxide (As_2O_5) and arsenic in water soluble forms equivalent to more than one and one-half per centum of arsenic oxide (As_2O_5). Insecticides and fungicides other than Paris green and lead arsenate shall be deemed adulterated: (a) When the strength or purity shall fall below the standard or quality under which it shall be sold; (b) when any substance shall have been substituted wholly or in part for the article described; (c) when any valuable constituent of the article shall have been wholly or in part abstracted; or (d) when it shall be intended for use on vegetation and shall contain any substance which, although destroy-

ing or repelling insects or lessening the growth of or destroying fungi, shall be injurious to vegetation upon which it may be used.

Sec. 2503. The term "misbranded" as used in this act, shall apply to any insecticide or fungicide, or any article which shall enter into the composition of any insecticide or fungicide, the package or lable of which shall bear any statement design or device regarding such article or any ingredient or substance contained therein which shall be false or misleading in any particular, including any statement, design or device which shall be false or misleading as to the place of manufacture thereof. Any insecticide other than Paris green or lead arsenate, and any fungicide shall be deemed misbranded: (a) When it shall contain arsenic in any of its combinations or in the elemental form and the amount of arsenic present shall not be stated on the label as the per centum of metallic arsenic; (b) when it shall contain arsenic in any of its combinations or in the elemental form and amount of arsenic in water-soluble forms shall not be stated on the label as the per centum of metallic arsenic; (c) when it shall consist partially or completely of any inert ingredient which shall not destroy or repel insects or lessen the growth of or repel insects or lessen the growth of or destroy fungi and shall not have the name and percentage amount of each of such inert ingredients plainly and correctly stated on the label; provided, in lieu of naming and stating the percentage amount of each inert ingredient, the producer may, at his discretion, state plainly on the label the correct name and percentage amount of each ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients except to state the total percentage thereof.

Sec. 2504. The Food and Drug commissioner and the director of the Connecticut Agricultural Experiment Station, acting jointly, shall make all necessary rules and regulations for carrying out the provisions of this act, such rules and regulations to conform, where possible, to the rules and regulations of the government of the United States authorized by the federal insecticide act of 1910. Upon complaint or information of a violation of any provision of this act, submitted by the Connecticut Agricultural Experiment Station, said commissioner and said director shall hold a hearing thereon, giving reasonable notice and opportunity to any person accused of any violation hereof to be present and be heard. If said commissioner and said director shall be of the opinion that any person shall have committed a violation of any provision of this act, they shall place all evidence thereof which they shall have secured with any prosecuting authority having jurisdiction; but no person shall be penalized under the provisions

of this act for selling or offering for sale any article of insecticide or fungicide in the original unbroken package in which it was received by him, provided he shall establish a guaranty by the wholesaler, jobber, manufacturer or other person residing in the United States, from whom any such article shall have been purchased, that such article is not adulterated or misbranded within the meaning of this act, which guaranty shall contain the name and address of the guarantor, but such guarantor shall be amenable to prosecution and penalties.

Sec. 2505. Manufacture and sale. *Penalty.* Any person who shall manufacture, sell or offer or expose for sale any Paris green, lead arsenate or other insecticide or any fungicide which is adulterated or misbranded, or who shall violate any other provision of this chapter, shall be fined not more than two hundred dollars for the first offense and not more than three hundred dollars for each subsequent offense.

Sec. 2506. The Connecticut Agricultural Experiment Station or the Food and Drug commissioner, or both, or their deputies, may, upon tendering the market price thereof, take duplicate samples from any lot, parcel or package of insecticide or fungicide which may be in the possession of any person. Each such sample shall be taken in the presence of the owner or his representative, and shall be sealed and properly marked for identification. One of such sample shall be left with the person from whom taken and the other shall be retained by the official taking the same. The Connecticut Agricultural Experiment Station shall annually analyze at least one sample of each brand of insecticide or fungicide so collected and such analysis shall include determinations of the active ingredients which the article contains, with such other determinations as may be deemed advisable. Results of such analyses shall be published in the bulletins of said Connecticut Agricultural Experiment Station, with such information regarding the character, composition and use thereof as may be of interest or importance. Such bulletins shall be issued annually or at such other intervals as may be deemed advisable.

RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS OF THE INSECTICIDE AND FUNGICIDE LAW

By authority of Section 2504, Chapter 137, General Statutes, Revision of 1930, the following rules and regulations have been adopted for carrying out the provisions of the act.

As further provided in said Section these rules and regulations conform, so far as possible, to those promulgated by the Production and Marketing Administration of the United States Department of Agriculture for the enforcement of the Federal Insecticide Act of 1910.

Sections cited under each regulation refer to the section of the State law wherein the term defined, or the clause interpreted, occurs; and the citation following each regulation refers to the Federal regulation which corresponds thereto.

JAMES G. HORSFALL
Director of the Conn. Agricultural Experiment Station.

FREDERICK HOLBROOK
Food and Drug Commissioner.

Regulation 1. Terms Defined.

(a) "Package" includes the carton, box, barrel, or other receptacle into which an insecticide or fungicide, Paris green, or lead arsenate is placed for use, handling, removal, shipment, or conveyance; a single container of such article or articles or several containers packed together, including both the immediate container or the material and the box carton, or other container (if any) in which it is enclosed or displayed.

"Unbroken package" and "original unbroken package" means the original package delivered by the shipper to the carrier at the initial point of shipment and also the unit package as ordinarily displayed on the shelves of the retail dealer or distributor.

(b) "Label" includes any legend and descriptive matter or design printed, stencilled, stamped, seared, or impressed upon the article or its container or wrapper, and also includes any circular pamphlet, or other descriptive matter packed with or accompanying the article at any time while such article is in intrastate commerce, and such letters, circulars, pamphlets, and other descriptive matter to which reference is made, either on the label attached to the package or on the package itself, or any circular, pamphlet, or other descriptive matter accompanying the package in intrastate commerce.

(c) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously seg-

mented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

(d) "Fungi" means all nonchlorophyll-bearing plants of a lower order than mosses and liverworts (i. e. nonchlorophyll-bearing thallophytes), as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria. (F. R. 161.2.)

Regulation 2. Labeling.

Statements on Labels must conform to the following requirements:

(a) **To be in English language.**—All words, statements, and other information required by the act to appear on the label shall be in the English language.

(b) **Ingredient statement.**—The ingredient statement, where required on the labels of insecticides and fungicides, shall: (1) be placed on that part of the label of each individual package or container (also on the carton or outer container, if there is one) which is presented or displayed under customary conditions of purchase; (2) run parallel with other printed or reading matter on the label; (3) not be materially less conspicuous than other word, statement, or information on the label (4) be on a clear, contrasting background and not obscured by designs or vignettes, or crowded with other written, printed, or graphic matter; (5) give the specific names by which the ingredient is commonly known, other than a trade name or collective name, or, if it does not have such a name, its correct chemical name; (6) give equal prominence to the names of the ingredients where more than one is present; (7) give single values for the percentages of the ingredients and shall not use a sliding scale form of statement; and (8) shows the term "Inert Ingredient" in type and position equally as conspicuous as the term "Active Ingredient" when both these terms are used.

(c) **Phenol coefficient statement.**—If a label of a disinfectant bears a phenol coefficient statement it shall not be in a sliding scale form.

(d) **False and misleading statements.** —The use of any false or misleading statement on any part of the label or labeling, given as the statement or opinion of an expert or other person or based on such statement or opinion, shall not be justified, nor may such statement be justified by any descriptive matter explaining the use of the false or misleading statement.

Any statement on the label or labeling, either directly or indirectly implying that the product is recommended or endorsed by any agency of the Federal or State Government, is considered misleading.

(e) **When labels are required.**—Whenever, by the terms of the act, information is required to be on the label of an insecticide or fungicide, a label must be placed on the article or its container in order that the statement can be made. The omission of a label will not excuse the absence of the required statement.

(f) **Name and address of manufacturer.**—The name of the manufacturer or producer or the place of manufacture need not be given upon the label, but, if given, it must be the true name and true place. The words "Packed for....." "Distributed by ....." or some equivalent phrase, shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or producer (F. R. 161.12.)

Regulation 3. Collection Of Samples.

Section 2506 of the General Statutes provides that duly authorized agents of the Connecticut Agricultural Experiment Station or of the Food and Drug Commissioner may take duplicate samples of any insecticide or fungicide upon tendering the market price thereof.

Such samples shall be representative of the lot or parcel sampled. In the case of bulk goods the sample shall be divided in two parts each sealed, dated and marked for identification. In case of goods in package form, if each package be 2 pounds or less in weight or 1 quart or less in volume, two packages may be taken each sealed, dated and marked for identification. If packages are more than 2 pounds in weight or more than 1 quart in volume, a sample may be taken in whatever way is most practicable, divided into two parts, each sealed, dated, and marked for identification. In all cases one of the duplicate samples shall be delivered by the sampling agent to the Connecticut Agricultural Experiment Station for analysis and the other left with the person whose stock is sampled.

Regulation 4. Methods of Examining Samples.

The methods of examining samples shall be those adopted and published by the Association of Official Agricultural Chemists (where applicable), and such other methods as may be necessary to determine whether or not the product and its labeling are in compliance with the law. These methods may include chemical, microscopical, physical, and bacteriological methods, and tests in orchard, field, garden and greenhouse,

on animals, in or about premises, in cages, in the laboratory, and in such other places as may be necessary. (F. R. 161.6.)

Regulation 5. Guaranty.

Guaranty against adulteration and misbranding. The following provisions apply to the furnishing and use of the guaranty:

(a) **To dealer.**— Any wholesaler, manufacturer, jobber or other person residing in the United States may furnish to any person, to whom he sells any insecticide, Paris green lead arsenate, or fungicide, a guaranty that such article is not adulterated or misbranded within the meaning of the act.

(b) **Essential wording.**—Each guaranty to afford protection shall be signed by, and shall contain the name and address of the wholesaler, manufacturer, jobber, or other person residing in the United States who sold the article and it shall be stated in the guaranty that such article or articles are not adulterated or misbranded within the meaning of the act. The guaranty shall not appear on the labels or packages.

(c) **Holder not to be prosecuted.**—No dealer in insecticides, Paris greens, lead arsenates, or fungicides will be liable to prosecution if he can establish that the articles were sold under a guaranty given in compliance with the regulations in this part. (F. R. 161.15.)

Testing and Labeling Disinfectants
CHAPTER 138

Sec. 2517. Testing and Labeling Disinfectants. The receptacle containing any disinfectant for external use, the phenol co-efficient of which can be determined by a bactericidal test, manufactured, sold or offered for sale within the state, shall bear a label showing the carbolic acid co-efficient or relative germicidal value of such preparation as compared with pure carbolic acid. The relative germicidal value of a disinfectant shall be determined by the application of either the Rideal-Walker or the hygienic laboratory method. Any such disinfectant shall be misbranded if the statement contained on the label shall be false. Any person who shall misbrand any disinfectant within the meaning of this section or shall sell or offer the same for sale shall be fined not more than one hundred dollars or imprisoned not more than sixty days or both.

COMMERCIAL FEEDING STUFFS
Chapter 239

Sec. 4717. Definitions. The term "concentrated commercial feeding stuffs", within the meaning of this chapter, shall include linseed meals, cottonseed meals, pea meals, bean meals, coconut meals, gluten meals, gluten feeds, dried brewers, grains, dried distillers' grains, malt sprouts, dried beet pulp, hominy feeds, cerealine feeds, rice meals, alfalfa meals, oat feeds, corn and oat chop, corn and oat feeds, scratch feeds, digestor tankage, ground meat scraps, ground fish scraps, mixed feeds, provenders, bran, middlings and mixed feeds made wholly or in part from wheat, rye or buckwheat, and all materials of a similer nature intended for the feeding of domestic animals, including poultry; but shall not include hays, straws, corn stover, ensilage, whole grains or the unmixed meals made directly from the whole grains of wheat, rye, barley, oats, Indian corn, broom corn, buckwheat and flaxseed, or feed ground from whole grain and sold directly from the manufacturer to the consumer. The term "importer" shall include such persons as shall bring into or offer for sale within this state concentrated commercial feeding stuffs manufactured without this state.

Sec. 4718. Package To be Marked. Each lot or parcel of concentrated commercial feeding stuff sold or offered or exposed for sale shall have conspicuously affixed thereto a plainly printed statement certifying (1) the number of net pounds of feeding stuff contained therein, (2) the name, brand or trademark under which the article is sold, (3) the name and address of the manufacturer or importer, (4) a statement of the minimum percentages of (a) crude protein, (b) crude fat and (c) the maximum percentage of crude fibre contained in the feeding stuff, all constituents to be determined by the methods adopted by the Association of Official Agricultural Chemists of the United States and in force at the time and (5), in the case of feeds composed of two or more ingredients, the name of each ingredient contained therein; provided such statement shall not be affixed by wire or other metallic device, and provided, in the case of cottonseed meal which shall be sold for fertilizer or in the case of any concentrated feeding stuff sold in bulk, the dealer may issue, in lieu of the printed statement herein described, a certificate which shall contain the information required by this section.

Sec. 4719. Certificate Required and Registration Fee. Before any concentrated commercial feeding stuff shall be sold or offered or exposed for sale in this state, the person who shall cause it to be sold or offered or exposed for sale shall file with the Connecticut Agricultural Experiment Station

two certified copies of the statement prescribed in the preceding section on forms supplied by it, and shall pay a registration fee of fifteen dollars for each brand to be sold or offered or exposed for sale in this state. Such registration shall expire on the first day of the following January and may be annually renewed upon payment of a like fee and the filing of like statements. When any feeding stuff shall have been registered and the fee paid thereon, the director of said station shall issue a certificate of registration for such feed, and a list of the brands so registered shall be published annually in the station report. Fees so paid to said station shall be used toward defraying the expense of inspection. Whenever registration and payment as prescribed herein shall have been made on any brand of feeding stuff by any person, no other person shall be required to register such brand or to pay a registration fee thereon. The director may refuse registration of any feeding stuff, or may cancel any registration which shall have been made, if it shall appear or shall be found that all the provisions of this chapter have not been fulfilled, or if the feeding stuff shall bear any statement, design or device which shall be false or misleading in regard to the materials of which it is composed. No feeding stuff on which registration shall have been refused or cancelled shall be sold or offered or exposed for sale in this state.

Sec. 4720. Analysis, How Made. The Connecticut Agricultural Experiment Station may collect a sample, not exceeding two pounds in weight, for analysis, from any lot, parcel or package of concentrated commercial feeding stuff or unmixed meals, brans or middlings, which may be in the possession of any manufacturer, importer, agent or dealer, but such sample shall be taken in the presence of the parties in interest or their representatives, and taken from a number of parcels or packages which shall not be less than five per centum of the whole lot inspected, and shall be thoroughly mixed, divided into two samples, placed in glass vessels or other suitable containers, carefully sealed and a label placed on each stating the name or brand of the feeding stuff or material sampled, the name of the party from whose stock the sample was taken and the time and place of taking the same. Such label shall be signed by the station chemist or his deputy and one of such samples shall be retained by such chemist or his deputy and the other by the party whose stock shall have been sampled. Said station shall cause at least one sample of each brand of feeding stuff so collected to be analyzed annually by or under the direction of such chemist. Such analysis shall include a determination of crude fat, crude protein and crude fibre and any such other determination as may be advisable. Said station shall cause the analysis so made to be published in station bulletins, together with such additional information in relation to the char-

acter, composition and use thereof as may be of importance and shall issue the same annually or more frequently if advisable.

Sec. 4721. Enforcement. The Food and Drug commissioner shall enforce the provisions of this chapter and, when evidence shall be submitted by the Connecticut Agricultural Experiment Station that any provision of sections 4718 and 4719 have been violated, he shall make complaint to the prosecuting officer having jurisdiction.

Sec. 4722. Penalty. Any manufacturer, importer, agent or person selling or offering or exposing for sale any concentrated commercial feeding stuff in relation to which all the provisions of sections 4718 and 4719 shall not have been complied with, shall be fined not more than one hundred dollars for the first offense and not more than two hundred dollars for each subsequent offense.

REGULATIONS

Regulation 1. Feeds Not Classed As Concentrated Commercial Feeding Stuffs (Sec. 4717)

It is held that the law exempts from classification as concentrated commercial feeding stuffs, and therefore from registration: (1) roughages such as hays, straws, corn stover and ensilage; (2) whole grains and mixtures thereof; (3) meals made from whole grains when not mixed with other materials or with each other; (4) feed ground from whole grain and sold by the manufacturer directly to the consumer; and (5) feed mixed according to a formula furnished by the consumer, for his own use.

Under clause (2), above, registration will not be required for mixtures in which the ingredients, excepting corn, are whole grains. Corn, if present, may be whole or cracked.

Clause (4) refers to feed ground from materials furnished by the consumer.

Under clause (5) feed is regarded as "mixed to order" and must be so tagged together with the name of the customer for whom it is mixed, or otherwise identified to distinguish it from regular brands offered for general sale. Such feed must be sold only to the customer for whom it was mixed; if sold to others it becomes a regular brand and subject to registration and other provisions pertaining to feeds in general.

Regulation 2. Method of Labeling (Sec. 4718)

All concentrated commercial feeding stuffs, other then vitamin D carriers, must be labelled either by a statement printed on the bag or upon a properly attached tag; in the case of concentrated feeding stuff sold in bulk, a certificate which shall contain the information otherwise required to appear upon the bag or upon the tag, may be issued by the dealer in lieu thereof.

The use of wire or any metal in affixing tags is prohibited by law.

The law requires a statement of (1) the net weight of the feed contained in the package; (2) the name, brand or trademark, under which the feed is sold; (3) name and address of the manufacturer or importer; (4) the minimum percentages of (a) crude protein and (b) crude fat, and the maximum percentage of (c) crude fiber contained in the feed; (5) the separate ingredients of which the feed is composed.

While the law requires only a statement of the items enumerated above no objection will be raised to more complete statements of chemical composition or formula.

Regulation 3. Concerning Vitamin D Carriers

Vitamin D carriers are required to be registered in the same manner and under the same conditions as obtain for feeds in general.

Information to be given on labels and in applications for registration is (1) name of product; (2) vitamin D potency in terms of A. O. A. C. chick units per gram; (3) name and address of manufacturer, distributer or other person responsible for the product; and, (4) on the label, a statement of net weight or volume.

The A. O. A. C. chick unit is the vitamin D activity produced by one U. S. Pharmacopoeia unit of vitamin D from the U. S. P. "Reference Cod Liver Oil", determined by the method of assay adopted by the Association of Official Agricultural Chemists.

Regulation 4. Concerning Cottonseed Meal, Etc.

Cottonseed meal, linseed meal, soybean meal, and other vegetable feeds that are sold as fertilizer, are required to be registered under the provisions of the fertilizer law in addition to registration as feeds. If sold exclusively for one or the other of these purposes, the articles may be registered only under the law which applies.

For such of these articles as are used for fertilizer purposes chiefly or entirely as sources of nitrogen, only nitrogen (or protein) need be declared in the application for registration as fertilizer; and the tags or labels generally attached to such articles when intended for feeding purposes will be acceptable for them when sold as fertilizer.

Regulation 5. Duties of Manufacturers, Jobbers and Dealers with Reference to Registration (Sec. 4719)

All concentrated commercial feeding stuffs, including vitamin D carriers, must be registered with the Connecticut Agricultural Experiment Station annually on January 1, or before they are offered for sale. Registration blank forms are supplied by the Station.

Manufacturers, jobbers or individuals shipping feeds into Connecticut will be expected to register their brands and pay the necessary fees thereon. **Connecticut dealers should assure themselves that the brands they handle are properly registered and labelled. In case the manufacturer or jobber outside the**

State neglects or refuses to register, the dealer who handles such feeds will be held responsible for such registrations, registration fees and other legal requirements.

Dealers within the State who mix their own brands are responsible for the registration and proper labelling thereof.

Regulation 6. Definitions of Terms Used in the Law, and of Other Terms

Person. The term "person" is accepted as defined in General Statutes, Section 2432; it imports the singular or the plural as the case demands; and includes corporations, companies, societies and associations.

Importer. The term "importer" is defined in the act.

Brand. It is held that a distinct brand name, or a distinct analysis, constitutes a distinct brand.

Definitions for Feeding Stuffs. The definition and standards for feeding stuffs adopted from time to time by the Association of Feed Control Officials of the United States are accepted as official in carrying out the provisions of this law; and the rules and regulations as adopted by that association are accepted as far as possible and when not inconsistent with the Connecticut Statutes.

Regulation 7. Methods of Analysis (Sec. 4718)

The methods of analysis employed shall be those prescribed by the Association of Official Agricultural Chemists, whereever such methods have been adopted for the determinations desired.

Regulation 8. Concerning Medicated Feeds and Mineral Mixtures

The law does not include medicated products used as "conditioners" for stock and poultry, and which consist essentially of substances possessing or claimed to possess, medicinal or condimental properties; nor does it include products consisting of supplemental minerals.

Regulation 9. Feeds in Different Physical Forms

The same feed offered in different physical forms, e. g., mash and pellets, requires but one registration.

Regulation 10. Revisions and Substitutions of Registrations

A feed registration after being filed may be revised without payment of an extra registration fee.

A brand of feed duly registered and subsequently discontinued may be replaced by another brand for the unexpired period of registration without payment of an extra registration fee.

WEIGHTS AND MEASURES
CHAPTER 127

Sec. 2330. Standard of Weight and Measures. The weights and measures received from the United States under a resolution of Congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the state in conformity therewith and certified by the national bureau of standards, shall be state standards, by which all county and municipal standards of weights and measures shall be tried, proved and sealed.

Sec. 2331. (As amended by Sec. 826e of the Cumulative Supplement of 1939). **State Commissioner of Weights and and Measures. Inspectors.** The commissioner of state police shall be state commissioner of weights and measures. Any state policeman shall act as inspector of weights and measures, with all the powers incident to that office, when directed so to act by the commissioner. Said commissioner shall take charge of the standards adopted under the provisions of Section 2330 as the standards of the state, and cause them to be kept in a fireproof building belonging to the state, or in a suitable place in his office, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safe-keeping. He shall maintain the state standards in good order and shall submit them, at least once in ten years, to the national bureau of standards for certification. He shall, at least once in two years, test by the state standards all standard weights, measures and other apparatus which belong to any county, city or borough and shall seal such apparatus as is found to be accurate, by stamping thereon with seals kept for the purpose, the letter "C" and the last two figures of the year of certification. He shall have general supervision of the weights, measures and weighing and measuring devices sold, offered for sale or used in the state. He, or the inspectors by his direction, shall, at least once in each year, test all scales, weights and measures used in checking the receipt or disbursement of supplies in each institution for the maintenance of which moneys are appropriated by the general assembly, and he shall report, in writing, his findings to the supervisory board and to the executive officer of the institution concerned, and, at the request of such board or executive officer, he shall appoint, in writing, one or more employees, in the service of each institution, who shall act as special deputies for the purpose of

checking the receipt or disbursements of supplies. He shall keep a complete record of the standards, balances and other apparatus belonging to the state, and take a receipt for the same from his successor in office. He, or the inspectors at his direction, shall, at least once in two years, inspect the work of the local sealers throughout the state and shall have power to inspect and ascertain the correctness of all weights, scales, beams, measures, instruments or mechanical devices for measuring, and tools, appliances or accessories connected with any such instruments or measures kept, offered or exposed for sale, sold, used or employed by any proprietor, agent, lessee or employee in proving the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, offered or submitted by such person or persons for sale, hire or reward; and shall from time to time, weigh or measure packages or amounts of commodities of any kind kept for the purpose of sale, offered for sale or sold, or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they be offered for sale or sold in accordance with law. They may, for such purpose, and in the performance of their official duties, enter, without warrant, into or upon any stand, place, building or other premises, or stop any vendor, peddler, junk dealer or driver of any vehicle transporting or containing coal, coke, ice or other commodity, or any dealer, and require him, if necessary to proceed to some place which they may specify for the purpose of making tests. Said Commissioner or the inspectors may seal such weighing or measuring instruments or apparatus as is found to be correct and may seize and destroy any incorrect weights, measures or weighing or measuring instruments. The commisioner shall issue, from time to time, regulations for the guidance of county, city and borough sealers, and such regulations shall govern procedure to be followed by such officers in the discharge of their duties.

Sec. 2332. County Commissioners and Common Council of Cities to Procure Complete Set of Standards. The county commissioners of each county and the common council of each city required to appoint a sealer under the provisions of this chapter shall procure, at the expense of the county or city, and shall keep, at all times a complete set of weights and measures and other apparatus, of such materials and construction as the commissioner of weights and measures may direct. All such weights, measures, and other apparatus having been tried and accurately proven by him, shall be

sealed and certified to by him, and shall then be deposited with and preserved by the county or city sealer as public standards for such county or city. Whenever the county commissioners of any county or the common council of any such city shall neglect, for six months, so to do, the treasurer of the county, or the city clerk or comptroller of said city, as the case may be, on notification and request by the commissioner of weights and measures, shall provide such standards and cause the same to be tried, sealed, and deposited at the expense of the county or city.

Sec. 2333, as amended by Sec. 828e of the Cumulative Supplement of 1939 and Sec. 899c. **County Sealers of Weights and Measures.** The county commissioners of each county shall, on Nov. 1, 1935, and quadrennially thereafter, appoint a county sealer of weights and measures, who shall hold office for the term of four years from said date and until his successor shall be appointed and shall have qualified. Said county sealer shall keep a complete record of all his official acts and shall make an annual report to the county commissioners, and, on or before November first in each year, shall make a report, duly sworn to, to the state commissioner of weights measures, on blanks to be furnished by the commissioner. He shall be paid such compensation as shall be fixed by the senators and representatives resident in the same county at their biennial meeting, and no fee shall be charged by him, or by the county, for the inspection, testing, or sealing of weights, measures or weighing or measuring devices. Unless otherwise provided by law, the county sealer shall have power, within his county, to inspect, test, try, and ascertain the correctness of all weights, scales, beams, measures, instruments or mechanical devices for measuring, and tools, appliances, or accessories connected with any such instruments or measures kept, offered, or exposed for sale, sold, or used, or employed within the county by any proprietor, agent, lessee, or employee in proving the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, offered or submitted by such person or persons for sale, hire, or reward; and he shall have power to and shall, from time to time, weigh or measure packages or amounts of commodities of any kind kept for the purpose of sale, offered for sale, or sold or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they are offered for sale or sold in accordance with law. He shall, at least twice each year, and as much oftener as he may deem necessary, see that the weights, measures, and all apparatus used in the county, including those under the

care of city and town sealers of weights and measures, are correct. He may, for such purposes, and in the performance of his official duties, enter, without warrant, into or upon any stand, place, building or other premises, or stop any vendor, peddler, junk dealer or driver of any vehicle transporting coal, coke, ice or any similar commodity, or any dealer and require him to proceed to some place which such sealer may specify, for the purpose of making tests. The county sealer of weights and measures shall cause any person violating any of the provisions of this chapter relating to weights and measures to be prosecuted. Whenever such sealer shall compare weights, measures, or weighing or measuring instruments, and find that they correspond, or shall cause them to correspond, with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring instruments with appropriate devices to be approved by the commissioner of weights and measures. He shall condemn, and seize, and may destroy, incorrect weights, measures, or weighing or measuring instruments which in his judgment are not susceptible to satisfactory repair; but he shall mark or tag such as are incorrect and yet may be repaired, as "condemned for repairs" in a manner prescribed by the commissioner. The owner or user of any weights, measures or weighing or measuring instruments which are so marked shall have the same repaired or corrected within ten days, and until so repaired or corrected, such owner or user shall neither use nor dispose of the same in any way, but shall hold the same at the disposal of the sealer. Any apparatus which has been so condemned for repairs and has not been repaired as hereinbefore required shall be confiscated by the sealer. The county sealer shall keep a complete record of all his official acts and shall make an annual report to the County Commissioners, and on or before October first in each year, shall make a report, duly sworn to, to the commissioner of weights and measures, on blanks to be furnished by the commissioner. The county sealer of weights and measures shall, forthwith upon his appointment, give a bond in the penal sum of one thousand dollars, with sureties to be approved by the county treasurer, for the faithful performance of the duties of his office. Nothing in the foregoing provisions shall be construed to prevent two or more counties from combining the whole or any part of their respective counties, as may be agreed upon by the county commissioners, with one set of standards and one sealer, upon written consent of the commissioner of weights and measures. A county sealer appointed in pursuance of an agreement

of such combination shall, subject to the same terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the authorities who are parties to the agreement. The salary of the county sealer of weights and measures shall be paid by the county treasurer on order drawn by the county commissioners.

Sec. 2334. City Sealers of Weights and Measures. There shall be a city sealer of weights and measures in each city of not less than twenty-five thousand population, according to the last preceding official state or United States census, to be appointed by the mayor, subject to the approval of the common council. He shall, in such city, perform the same duties and have the same powers as the county sealer in the county. In those cities in which no sealer is required by this section, the county sealer of the county shall perform the same duties and have the same powers as in the county. Nothing in the foregoing provisions shall be so construed as to prevent any county and any of the cities situated therein from combining the whole or any part of their respective territories, as may be agreed upon, with one sealer, subject to the written approval of the commissioner of weights and measures. A sealer appointed in pursuance of any agreement for such combination shall, subject to the terms of his appointment, have the same jurisdiction and duties as if he had been appointed by each of the authorities who are parties to the agreement.

Sec. 2335. Arrest Without Warrant. The commissioner of weights and measures, his inspectors, and the county and city sealers of weights and measures shall each have power to arrest, without warrant, any violator of the laws in relation to weights and measures, and to seize, without warrant, for use as evidence, any false or unsealed weight, measure or weighing or measuring device, or package or amount of any commodity, found to be used, retained, offered or exposed for sale or sold in violation of the law.

Sec. 2336. Standards for Towns, Duties and Salaries of Inspectors. The selectmen of each town shall provide standard weights and measures of various kinds, as may be recommended and approved by the commissioner of weights and measures, and cause them to be tried and compared with the state standards. The board of selectmen in any town may appoint an inspector of weights and measures and fix his salary to be paid by the town. The inspector of weights and measures in each town shall have the custody of its weights and measures. He shall annually try, by the town standards, the weights and measures used in trade in such

town; destroy such as he shall be unable to make correspond with the standards and stamp such as shall be found or made true, with the capital initial letter or letters of the name of the town, and year of such inspection.

Sec. 2337. Penalties. Any person, who, by himself or by his servant or agent or as the servant or agent of another, shall offer or expose for sale, sell or use in the buying or selling of any commodity or thing for hire or reward or shall retain in his possession a false weight or measure or weighing or measuring device which shall not have been sealed by the sealer of weights and measures within one year; or who shall dispose of any condemned weight, measure or weighing or measuring device contrary to the provisions of the statutes or shall remove any tag placed thereon by a sealer of weights and measures; or who shall sell or offer or expose for sale less than the quantity he shall represent; or who shall buy and receive any commodity the weight or measure of which is determined by weights or measures of the purchaser and shall give credit or pay for a quantity of such commodity less than that received by him; or who shall sell or offer or expose for sale any commodity in a manner contrary to the provisions of the statutes; or who shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measures, shall, upon a first conviction, be fined not less than twenty dollars, nor more than two hundred dollars or imprisoned not more than three months or be both fined and imprisoned. Upon any subsequent conviction any such person shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned in the county jail not more than one year or be both fined and imprisoned.

Any person who shall hinder or obstruct the commissioner of weights and measures, or any inspector or any county or city sealer, in the performance of his official duties, shall be fined not less than two dollars nor more than two hundred dollars, or imprisoned not more than ninety days or be both fined and imprisoned.

Any person who shall impersonate the commissioner of weights and measures, or any inspector, or any county or city sealer, by use of his seal or a counterfeit of his seal, or otherwise shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned.

Sec. 832e. Manufacture, Sale and Use of Milk Bottles. Typical glass milk bottles conforming to the requirements

of this section may be used and re-used as liquid measures in dispensing milk, skimmed milk, buttermilk, or cream. Such bottles may be made in the following capacities: one quart; one pint; ten fluid ounces; one-half pint; and one gill. Bottles conforming to such requirements, made of paper composition or similar substance, may be used in dispensing such commodities, but shall not be used more than once. All such bottles shall be so made as to hold their rated capacity when filled to a well defined mark, and, when in use, shall be so filled. Each bottle shall have its capacity, in terms expressed as above, blown into or otherwise clearly and permanently marked on the side of the bottle, and, in or on the side or bottom of the bottle, shall be the name, initials, or trademark or the manufacture, a designating number and the last figure of the calendar year of manufacture. Each manufacturer of bottles selling marked bottles in this state shall register with the Commissioner of Weights and Measures his name, address and the mark, designated by said commissioner, by which their bottles may be clearly distinguished from the bottles of other manufacturers. Said Commissioner shall prepare a table of tolerances to be allowed in excess or deficiency on individual bottles and on the average capacity of bottles in any one lot, a copy of which table of tolerances shall be furnished to all sealers of weights and measures and to other interested persons. Any person receiving, in this state, a shipment of new milk bottles in a quantity equal to one gross or more shall immediately notify the city or county sealer of weights and measures having jurisdiction, and such sealer, being so notified, shall immediately proceed to examine a reasonable number of such bottles and shall ascertain as to whether the bottles are accurate in capacity within the tolerances to be allowed in excess or deficiency on individual bottles, and on the average capacity of bottles, as prepared by said commissioner. If such bottles shall be found to be accurate within the specified tolerances, the sealer shall notify the owner of his finding and permit the use of such bottles in this state. When he shall find that the bottles are inaccurate beyond the limits of the tolerances in excess or deficiency as to individual bottles, or inaccurate beyond the prescribed tolerance for the average bottle, he shall immediately impound such bottles and hold them in his possession for a period of not less than ten days. On making such seizure, he shall immediately notify both the purchaser and the manufacturer of such bottles and, at the end of thirty days from seizure, he may destroy such bottles. Any person who, by himself or by his agent or as the servant or agent of another, shall violate

the provisions of this section, shall be subject to the penalties provided in Section 2337 for the violation of the statutes relating to weights and measures.

Sec. 833e. Tampering With or Counterfeiting Seals or Tags. The word "seal", when used in statutory provisions relating to weights and measures, shall mean a mark of identification which may, in the form of a stamped impression, paster, wafer or certificate, be attached to, or made a part of, any weighing or measuring instrument or device, by a sealer of weights and measures, as visible evidence that the device or instrument bearing such mark of identification has been legally tested, found correct and sealed by such sealer. The word "tag", when so used, with respect to weighing or measuring instruments or devices, shall mean a mark, label, tag or certificate indicating that the instrument or device to which it is attached is defective and illegal for use. Any person who shall tamper with, mark, deface, remove, forge or counterfeit any seal or tag attached to a weighing or measuring instrument or device by sealer of weights and measures shall be subjected to the penalties provided in Section 2337.

RULES AND REGULATIONS

The publication of Rules and Regulations is mandatory by statute as previously recited, but can be of little practical avail, unless the law is fully understood and carefully followed. As regards County Sealers, their appointments, powers and duties are dealt with fully in Section 2333, General Statutes. The matter of appointment, salary and filing of a bond is a local matter with County Commissioners. The vital part of this Chapter as concerns the office of the Commissioner and the enforcement of the law is contained in Sections 2331, 2333 and 2334, General Statutes, and refers to the powers and duties of County Sealers, which, for the convenience of all parties at interest, is herewith separated into its elemental parts, which are serially numbered and classified.

SECTION 2333

Power

1. "Unless otherwise provided by law, the County Sealer shall have power, within his County, to inspect, test, try and ascertain the correctness of all weights, scales, beams, measures of every kind, instruments or mechanical devices for measuring and tools, appliances, or accessories connected with any such instrument or measures kept, offered, or exposed for sale, sold or used or employed within the County by any proprietor, agent, lessee, or employee in proving the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, offered or submitted by such person or persons for sale, hire or reward;"

* * * * * *

"He may for said purpose, and in the performance of his official duties, enter, without warrant, into or upon any stand, place, building, or premises, or stop any vendor, peddler, junk dealer, driver of any vehicle transporting coal, coke, ice or similar commodity, or any dealer and require him to proceed to some place which such sealer may specify, for the purpose of making tests."

First Item. It is the opinion of this department that this gives sealers broad powers of access to all weighing and measuring instruments and is firmly supported by Section 2337, of the General Statutes, which provides severe penalties for all who interfere with a Sealer in the performance of his duties.

Power and Duty

2. * * * * *"and he shall have the power to, and shall from time to time, weigh or measure packages or amounts of commodities of any kind kept for the purpose of sale, offered for sale, or sold, or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they are offered for sale or sold in accordance with the law."

Second Item. This is in connection with a portion of Section 2337, reading as follows: * * * * * * "or who shall sell or offer or expose for sale less than the quantity he represents" is the broadest of net weight and short weight package laws, as it applies to all classes and kinds of commodities not otherwise expressly provided for by law.

Another important law to which your attention is directed is Section 897e of the 1939 Supplement to the General Statutes concerning the "Uniform State Food, Drug and Cosmetic Act."

In enforcing this law you are to be guided by certain rules and regulations prepared by statutory direction, copy of which you will find in this book. It is plainly the duty of sealers to examine packages to see that these laws are not violated.

Duty

3. "He shall at least twice each year and as much oftener as he may deem necessary, see that the weights, measures and all apparatus used in the County, including those under the care of City and Town Sealers of Weights and Measures, are correct."

Third Item. This is construed to mean that a County Sealer shall personally examine in detail all weighing and measuring equipment that is not sealed by other authority of law than that possessed by himself. He shall inspect City and Town standards and see that they have been sealed by State officers within the time prescribed by law and that they are in good order and he shall make such inspection in each City or Town where there is a lawfully appointed Sealer as may be necessary to satisfy himself as to whether or not the local Sealer is fully performing his duties.

Duty

4. "The County Sealer of Weights and Measures shall cause any person violating any of the provisions of this

Chapter of the General Statutes relating to weights and measures to be prosecuted."

Fourth Item. This clause makes it mandatory for sealers to enforce the weights and measures laws. The elimination of faulty equipment is but the first step in a sealer's work. The really important action is insuring of honest weights and measures to and from all persons by getting a full observance of the law. The legal remedy for failure to comply with the law is prosecution. Sealers who permit violations of law in their jurisdictions are derelict in their duty. It is the duty of sealers to find violations, if any exist, and to present real evidence of same to the proper prosecuting official and assist in bringing such prosecution to a successful conclusion.

Duty

5. "Whenever such Sealer compares weights, measures or weighing or measuring instruments and finds that they correspond, or causes them to correspond, with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring instruments with appropriate devices, to be approved by the Commissioner of Weights and Measures."

Fifth Item. The wording of the law and its apparent failure to differentiate in this instance between commercial weighing and measuring devices and City and Town standards, may be confusing. This provision of law is herewith construed to mean that every Sealer shall seal with an authorized device every weighing and measuring instrument in his jurisdiction that is not lawfully sealed by other authority than his own. County and City Sealers are not given authority to seal City Standards, as it is expressly stated in Section 2331 of the General Statutes, that County and Municipal standards shall be tried, proved and sealed by the State standards.

Power and Duty

6. "He shall condemn and seize, and may destroy incorrect weights, measures, or weighing or measuring instruments, which, in his judgment, are not susceptible of satisfactory repair; but he shall mark or tag such as are incorrect and yet may be repaired, as 'condemmed for repairs' in a manner prescribed by the Commissioner of Weights and Measures."

Sixth Item. Herein are given to Sealers broad powers. The seizing, condemning and destroying of property without other process of law than the Sealer's personal judgment requires most careful consideration, first, as to whether or

not the instrument can be made sealable; second, has the use of an instrument fit only for destruction caused sufficient violation of the law to warrant prosecution. The law explicitly states that the Sealer shall seize instruments not susceptible of repairs; this means that he shall actually take them into his possession and as it is unlawful for any other person than a Sealer to have condemned weighing and measuring instruments in his possession, it follows that the Sealer must either retain condemned property in his possession or actually and fully destroy it.

Instruction to the Public

7. "The owner or user of any weights, measures, or weighing or measuring instruments which are so marked shall have the same repaired or corrected within ten days, and until so repaired or corrected such owner or user shall neither use nor dispose of the same in any way, but shall hold the same at the disposal of the Sealer.

Seventh Item. Weighing and measuring instruments condemned for repairs shall be firmly tagged or marked so as to set forth clearly that they are illegal instruments. The owner should be fully advised of the time allowed by law for repairs and of the penalty for the use of or removal of tag from condemned property.

Duty

8. "Any apparatus which has been so condemned for repairs and has not been repaired as hereinbefore required shall be confiscated by the Sealer."

Eigth Item. This item is a continuation of the last above item and expresses specific direction for action on the part of the Sealer. "Confiscation" as used here is construed to mean seizure with a right to destroy as referred to in the Sixth Item.

Duty

9. "The County Sealer shall keep a complete record of all of his official acts and shall make an annual report to the County Commissioners, and on or before November first of each year shall make a report, duly sworn to, to the Commissioner of Weights and Measures, on blanks to be furnished by the Commissioner."

Ninth Item. The duty of the Sealers in the matter of records and reports is very plain and should be followed explicitly. These records should be in such form that reports to the Commissioner of Weights and Measures can be

readily made; such reports to contain the particular information required under the different headings of the report blanks furnished.

SECTION 6

Power and Duty

10. This Section says in part: "In those cities in which no Sealer is required by this Section, the County Sealer of the County shall perform the same duties and have the same power as in the County."

Tenth Item. The Honorable Attorney General in an opinion officially rendered December 9, 1913, said in part as follows: "Each City of not less than 25,000 must have such an official (referring to a City Sealer) and except in cities of that size, Town Sealers of Weights and Measures have jurisdiction subject to such oversight, direction and control as the law provides shall be exercised by the State Commissioner and County Sealers of Weights and Measures."

SECTION 8

Power

11. "Arrest May be without Warrant. The Commissioner of Weights and Measures, his Inspectors, and the County and City Sealers of Weights and Measures shall each have power to arrest without warrant, any violator of the laws in relation to weights and measures, and to seize, without warrant, for use as evidence, any false or unsealed weight, measure, or weighing or measuring device, or package, or amount of any commodity, found to be used, retained, offered, or exposed for sale, or sold in violation of law."

Eleventh Item. This Section gives definite powers to Sealers to make arrests without warrant. The advantage of this law is that when an offender is caught violating the law, he can be taken forthwith without having a chance to escape or destroy the evidence essential to his conviction. This law also implies the power to serve warrants relative to weights and measures violators when so directed by proper prosecuting officials. The power to seize false or unsealed weighing and measuring devices and packages is designed to put the Sealer in a position to get all of the evidence required for the prosecution of violations of the law.

CITY SEALERS

City Sealers are given the same authority and powers within their respective precincts as are given the County Sealers. (Section 2334 of the General Statutes.)

CHAPTER 240

Weight and Measurement of Specific Articles

Sec. 1577c. Pound, Hundred Weight, Ton, Barrel, Gallon The avoirdupois pound shall bear to the troy pound the relation of seven thousand to five thousand seven hundred and sixty. The hundred weight shall contain one hundred avoirdupois pounds, and the ton, twenty hundred weight. The barrel for liquids shall contain thirty-one and one-half gallons, except the barrel for beer, ale and porter which shall contain thirty-one gallons; and the hogshead, two barrels. The dry gallon shall contain two hundred and eighty-two cubic inches; and the liquid gallon shall contain two hundred and thirty-one cubic inches.

Sec. 1578c. Bushel. Charcoal, Flour, Potatoes. The bushel in struck measure shall contain twenty-one hundred and fifty and forty-two hundredths cubic inches, and in heap measure twenty-five hundred and sixty four cubic inches, except that each bushel of charcoal shall contain twenty-seven hundred and forty-eight cubic inches. When sold by weight, the bushel of charcoal shall weigh twenty pounds when commercially dry; the barrel of flour, one hundred and ninety-six pounds and the barrel of potatoes, one hundred and fifty pounds.

Sec. 4725. Weight of a Bushel in Various Articles. The bushel of apples shall contain forty-eight pounds; of dried apples, twenty-five pounds; of barley, forty-eight pounds; of dried beans, sixty pounds; of lima beans in pod, twenty-eight pounds; of string beans, twenty-four pounds; of beets, table size, fifty pounds; of beet greens, twelve pounds; of bran or shorts, twenty pounds; of buckwheat, forty-eight pounds; of carrots, fifty pounds; of clover seed, sixty pounds; of hard coal, eighty pounds; of indian corn, fifty-six pounds; of corn meal, fifty pounds; of sea island cotton seed, forty-four pounds; of upland cotton seed, thirty pounds; of cranberries, thirty-two pounds; of dandelions, twelve pounds; of flaxseed, fifty-five pounds; of grass seed, timothy or herdsgrass, forty-five pounds; of redtop seed, fourteen pounds; of hickory nuts, fifty pounds; of horseradish, fifty pounds; of kale, commercially dry, twelve pounds; of lime, seventy pounds; of mangelwurzel, sixty pounds; of oats, thirty-two pounds;

of onions, fifty-two pounds; of parsley, eight pounds; of parsnips, forty-five pounds; of peaches, fifty-two pounds; of dried peaches, thirty-three pounds; of pears, fifty-two pounds; of dried peas, sixty pounds; of peas in pod, twenty six pounds; of peppers, twenty-four pounds; of plums forty-eight pounds; of potatoes, sixty pounds; of sweet potatoes, fifty-four pounds; of quinces, forty-eight pounds; of rough rice, forty-five pounds; of rye, fifty-six pounds; of rye meal, fifty pounds, of fine salt, seventy pounds; of coarse salt, seventy pounds; of spinach, commercially dry, twelve pounds; of tomatoes, fifty-six pounds; of summer turnips, fifty pounds; of rutabaga turnips, fifty-five pounds; of wheat, sixty pounds; Any person who by himself, or by his servant or agent, or as the servant or agent of another, shall sell or offer for sale any of the above mentioned commodities at a less weight per bushel than herein specified shall be fined or imprisoned or both as provided in section 2337.

Sec. 4726. Weight of Sand and Gravel. A cubic yard of sand shall contain twenty-six hundred pounds, and a cubic yard of gravel twenty-eight hundred pounds.

Sec. 4727. Quantity of Cotton Thread to be Designated. Penalty. Each manufacturer of cotton sewing thread, and each person engaged in putting up such thread on spools or in packages of one pound weight or less, intended for sale, shall, before the same be offered for sale, affix to or impress upon, each spool or package, a label or stamp designating its weight or length in yards. Any such manufacturer, or person engaged as aforesaid, who shall neglect to affix to, or impress upon, each spool or package such a label or stamp, or shall, with intent to deceive, affix to or impress upon, or suffer to be affixed to or impressed upon, any such spool or package, a label or stamp specifying that it contains a greater number of yards, or a greater quantity of thread by five per cent, than it does contain, shall be fined five dollars for each of such spools or packages; and any trader who shall offer for sale such thread, knowing or having reason to believe that it is falsely labeled or stamped in regard to length or quality, shall be subject to the same fine.

Sec. 1279e. Sale of Coal and Coke by Weight. (a) All coal and coke sold, except in accordance with a written ageement with the purchaser otherwise, or offered for sale, in this state, shall be sold or offered for sale by weight. No person, firm or corporation shall deliver any coal or coke without first having such coal or coke weighed by a public weigher or a licensed weighmaster designated to weigh coal

or coke, on stationary scales suitable for the weighing of coal or coke, which have been tested and sealed by an authorized sealer or inspector of weights and measures. Such coal or coke shall be accompanied while in transit by a delivery ticket and a duplicate original thereof, on which shall be distinctly expressed in ink, or other indellible substance, in pounds, the weight of the coal or coke contained in the vehicle or other receptacle, together with the name and address of the seller, the name and address of the purchaser, the signature and license number of the licensed weighmaster or public weigher and the date of the weighing, together with the number of bags or sacks of such commodity, when the bags or sacks shall be representative of the quantity contained in the vehicle used for transporting such coal or coke, provided coal or coke sold or offered for sale in in this state in quantities of fifty pounds or less, in paper bags, sacks or similar containers, when the name and address of the dealer and the net contents of avoirdupois weight shall be distinctly and indellibly marked in ink or otherwise on such paper bags, sacks or similar containers, shall be exempt from the provisions of this subsection requiring delivery tickets and duplicates thereof. One of such duplicate delivery tickets shall be surrendered, upon demand, to any sealer or inspector of weights and measures for his inspection, and such ticket, or when the sealer shall desire to retain one of the duplicate tickets, a weight slip, issued by the seller and signed and dated by the sealer or inspector, shall be delivered to the purchaser or his agent or representative, at the time of the delivery of such coal or coke, and other duplicate ticket shall be retained by the seller for a period of one year, subject to inspection by any sealer or inspector of weights and measures. If the purchaser or his agent shall take such coal or coke from the seller's place of business, a delivery ticket in the form required by this section and signed by a public weigher or licensed weighmaster, shall be given to the purchaser or his agent at the time of delivery. No person shall sell, or deliver, or attempt to sell or deliver, or offer to sell or deliver less than the amount of coal or coke represented in the delivery tickets therefor, provided a tolerance at the rate of five pounds to the ton shall be allowed for unavoidable wastage and variation in scales. No public weigher or licensed weighmaster shall weigh coal or coke loaded on a vehicle for transportation thereon and sign a delivery ticket therefor, unless he shall have first weighed the vehicle empty on the same day and on the same scales, in order to determine the true net weight of such load of coal or coke.

Any person who shall violate any provision of this subsection shall be fined not more than two hundred dollars or imprisoned not more than six months or both. (b) All scales tested and approved by the commissioner shall be located within this state or within an additional adjoining area extending at least five miles, but not more than ten miles, from the state boundaries; the outside boundary of such additional adjoining area beyond the five mile minimum to be fixed by the commissioner of weights and measures, and to be based upon the commissioner's facilities for testing and inspecting scales located outside the state and for maintaining reasonable supervision of weighing at such scales. The commissioner shall charge a fee of ten dollars for testing and approving any scales located outside the state. All fees collected by the commissioner of weights and measures under this section shall be added to the appropriation for the commissioner of weights and measures and said commissioner shall pay from said appropriation all expenses incurred in carrying out the provisions of this section. Each person licensed under this subsection shall be given a numbered license certificate which shall be kept at the place where the weighmaster is engaged in weighing and such certificate shall be available for inspection at all times. Such license may be revoked by the commissioner after a hearing, on due notice to the licensee, for dishonesty, incompetency, inaccuracy, refusal to weigh coal or coke as required by law, or for any violation of the provisions of this section. A licensed weighmaster under this section shall be entitled to charge a fee not exceeding the sum of twenty cents for weighing each load of coal or coke for which a delivery or weight ticket is required, and, upon payment of such fee, shall weigh any coal or coke brought to him for that purpose and shall sign a delivery ticket, weight slip or certificate of weight therefor.

LICENSING OF PUBLIC WEIGHERS.

Sec. 495g. Any person who is in possession of suitable scales or is employed by a person, firm or corporation in possession of suitable scales may be licensed as a public weigher by the commissioner of weights and measures, provided said commissioner is satisfied that such person is of good reputation and competent to perform the duties of such office and that the scales to be used by such person are of suitable design, in good repair and sealed by a sealer of weights and measures or by a state inspector of weights and measures.

Each such licensee shall be qualified to perform the duties of a weighmaster as prescribed in section 1279e of the 1939 supplement to the general statutes, and upon payment in the sum of three dollars shall receive a license to serve as a public weigher.

Sec. 496g. All weighmaster licenses issued under the provisions of section 1279e of the 1939 supplement to the general statutes shall expire on July 1, 1943, and the holders thereof shall be eligible to obtain public weighers' licenses. All licenses issued to public weighers under the provisions of this act shall be for the period ending on the first day of July, 1946, and thereafter such licenses shall be issued for the period ending on the first day of July in each successive three-year period.

Sec. 497g. Each public weigher shall weigh all articles brought to him for weighing, provided such articles are customarily sold by weight, and provided such public weigher is equipped with the particular kind of scales customarily used for weighing such articles.

Sec. 498g. A licensed public weigher shall be entitled to charge a fee in such amount as is approved by the commissioner of weights and measures and upon the payment of such fee shall issue a certificate of the weight of such articles.

Sec. 499g. Any public weigher who violates any provision of the statutes relating to weights and measures shall be subject to the penalties provided for in section 2337 of the general statutes.

DUTIES OF PUBLIC WEIGHERS
CHAPTER 22

Sec. 373. Duties of Public Weighers. Each public weigher, upon payment of his lawful fees, shall accurately weigh any heavy or bulky article of merchandise brought to him for that purpose, and sign and give a certificate of its weight to the person bringing the same.

Sec. 374. Scales and Fees. Towns in which public weighers are appointed shall make such regulations relative to the scales and other apparatus to be used by such weighers as they may deem necessary for the public protection and convenience, and prescribe the fees, not exceeding twenty cents for each weighing, to be paid to such weighers, half by the seller and half by the purchaser, or may delegate to the selectmen the powers and duties specified in this section; and the rate of fees so established shall be recorded in the town records and shall not be changed during the time which such weighers are appointed.

Sec. 375. Penalties. Any public weigher who shall wilfully neglect to weigh any article legally brought to him for that purpose and to give a certificate of the weight thereof according to law, except in a matter in which he has an interest, or who shall give a certificate of the weight of any article in which he has an interest, and any person selling any heavy or bulky article of merchandise, usually sold by weight, who shall, upon the request of any purchaser thereof who shall offer to pay for the weighing of same, refuse to have the same weighed by a public weigher in the town where such purchaser resides, shall be fined five dollars.

Sec. 376. Duties of Measurers of Wood. The selectmen of each town may appoint annually, and oftener if necessary, two or more of its inhabitants to be measurers of wood offered for sale within the town, who shall be duly sworn, and receive such compensation for their services as the town may prescribe; and any of them, on request of the owner of any wood so offered for sale, shall, without delay, measure it and sign and give him a certificate of its quantity.

Sec. 494g. International Log Rule. The international log rule is adopted as the standard log rule for determining the board foot content of saw logs and all contracts hereafter entered into for the purchase and sale of saw logs shall be made on the basis of such standard rule, unless some other method of measurement is specifically agreed upon.

SALE OF GASOLINE AND MOTOR OIL
CHAPTER 84

Sec. 556e. Standard Gallon. (a) The standard gallon shall be the unit of measurement for all sales of gasoline, kerosene, fuel oil, or similar substances sold or offered for sale for the purpose of creating power or heat, and each retail delivery of gasoline in a quantity of fifty gallons or more and each retail delivery of kerosene, fuel oil or similar substance in a quantity of five gallons or more shall be the complete contents of a vehicle tank or it shall be through a meter. Each such tank or meter shall be sealed by a sealer of weights and measures before being used. The term "vehicle tank" as used herein, shall mean a container, which may or may not be subdivided into two or more compartments, mounted upon a wagon or motor truck and used for the delivery of such fluid. The term "compartment" shall mean the entire tank whenever the tank shall not be sub-divided; otherwise it shall mean any one of those sub-divided portions of the tank which are designed to hold such fluids. Each delivery shall be accompanied by a delivery ticket and duplicate thereof, on which shall be distinctly expressed in ink or other indelible substance, in gallons, the quantity of such fluid delivered, together with the name of the seller and the name of the purchaser of such fluid. One of such tickets shall be surrendered, upon demand, to the sealer of weights and measures, for his inspection, and such ticket, or, when the sealer shall desire to retain the original ticket, a measure slip issued by the seller or his agent, shall be delivered to the purchaser or his agent or representative at the time of the delivery of such fluid, and the other ticket shall be retained by the seller. If the purchaser or his agent, shall take such fluid from the place of purchase, a delivery ticket showing the actual number of gallons delivered shall be given to the purchaser or his agent, at the time of delivery. The method of determining the number of gallons of any such fluid delivered shall be by measuring the same in measures that have been tested and sealed by a sealer of weights and measures. (b) The provisions of this shall not apply to barge, railroad tank car or drum delivery. (c) Any person who shall, by himself or by his agent or servant, or as the servant or agent of another, violate any provisions of this section, shall be subject to the penalties provided in Section 2337 of the General Statutes.

SALE OF PREHEATED PETROLEUM PRODUCTS. CHAPTER 127

Sec. 572h. The quantity of all preheated petroleum products sold, offered for sale or delivered at retail shall be determined by weight, such weighing to be done by a public weigher licensed by the State of Connecticut, who shall weigh such products, in the container or vehicles in which they are to be delivered and on scales that have been tested and sealed by an authorized sealer or inspector of weights and measures.

Sec. 573h. Each vehicle or container of such petroleum products while in transit for delivery shall be accompanied by a delivery ticket and a duplicate original thereof, on which shall be distinctly expressed in ink or other indelible substance (a) in pounds, the gross and tare weights of the vehicle or container; (b) the net weight of such petroleum products contained in such vehicle or container and its specific gravity or the gravity determined by accepted standard practice of using the formula of the American Petroleum Institute at sixty degrees Fahrenheit; (c) the quantity of petroleum products so transported expressed in gallons or in barrels computed at forty-two gallons per barrel, the method of determining such gallonage or barrelage to be by accepted standard practice on the basis of the products being at a temperature of sixty degrees Fahrenheit; (d) name and address of the seller; (e) the name and address of the purchaser; (f) the signature and license number of the public weigher and (g) the date of the weighing. One of such duplicate delivery tickets shall be surrendered upon demand to any sealer or inspector of weights and measures for his inspection, and such ticket or, when such sealer desires to retain one of the duplicate tickets, a weight slip issued and signed and dated by the sealer or inspector shall be delivered to the purchaser or his agent or representative at the time of dlivery of such petroleum products, and the other duplicate ticket shall be retained by the seller for a period of one year, during which time it shall be subject to inspection by a sealer or inspector of weights and measures. If the purchaser takes such petroleum products from the vendor's place of business, a delivery ticket in the form required by this section, signed by a licensed public weigher, shall be given to the purchaser or his agent at the time of delivery. No person shall sell or deliver, attempt to sell or deliver or offer to sell or deliver less than the amount of such petroleum products represented by the delivery tickets therefor, provided a tolerance at the rate of five pounds to the ton shall be allowed.

Sec. 574h. No public weigher shall weigh such petroleum products loaded on a vehicle or in a container for transportation and sign a delivery ticket therefor unless he has secured

the tare weight of the vehicle or the container in which such petroleum products are loaded for the purpose of delivery.

Sec. 575h. The provisions of section 572h to 576h, inclusive, shall not apply to barge, railroad track cars or drum deliveries.

Sec. 5. Any person who, by himself, his employee or agent, or as the employee or agent of another, violates any of the provisions of this act shall be subject to the penalties provided for in section 2337 of the General Statutes.

Sec. 945c. Testing Machines Used in Weighing Milk or Cream. The state commissioner of weights and measures, or his deputy or inspectors, at his direction, shall, at least once in each year, and oftener if in his judgment it shall be necessary, inspect and ascertain the correctness of all weights, scales, beams, instruments or mechanical devices used by any person, firm or corporation engaged in the business of purchasing milk or cream by weight. They may, for such purpose, and in the general performance of their official duties, enter, without warrant, into any place, building or premises. Said commissioner, or his deputy or inspectors, shall seal any such weighing instrument or instruments, or apparatus found to be correct, and may seize and destroy any such instruments or apparatus found to be incorrect.

CHAPTER 330

Sec. 1454e. Sale of Clams by the Barrel. Any person who shall sell clams by the barrel, unless such barrel shall contain not less than three bushels, shall be fined not more than twenty-five dollars.

Other information concerning weights and measures, tolerances, etc. may be secured from the Weights and Measures Division of the Food and Drug Commission.

APPENDIX

SPECIAL REGULATIONS MADE UNDER AUTHORITY OF THE FOOD, DRUG AND COSMETIC ACT

(1) Allowances for variations in weight, measure or numerical count. (Authority of Sec. 897e (e) (2). Allowances for the articles listed are for individual packages.

Material	Size	Allowances
Ale	Qt.	½
Ale	Pt.	¼
Artichokes	No. 2	1
Asparagus	No. 2½	½
Asparagus Tips	No. 1	½
Bacon	1 lb.	½
Baking Powder	¼ lb.	⅛
Baking Powder	½ lb.	¼
Beans, Kidney	No. 2	½
Beans, Lima	No. 2	½
Beans, Refugee	No. 2	½
Beans, String	No. 2	½
Beans, Wax	No. 2	½
Beef, Corned	No. 1	½
Beef, Corned	No. 2	1
Beef, Sliced	12 oz.	½
Beer	Qt.	½
Beer	Pt.	¼
Beets	No. 2	½
Biscuits and Crackers	Less than 2 oz.	⅛
Biscuits and Crackers	2.1—4.0 oz.	¼
Biscuits and Crackers	4.1—8.0 oz.	¼
Biscuits and Crackers	8.1—16.0 oz.	½
Brandy	Qt.	½
Brandy	Pt.	¼
¶Bread	16 oz. loaf below	½
	above	½
¶Bread	24 oz. loaf below	1
	above	1
Butter	1 lb.	¼
Carbonated Drinks	Qt.	½
Carbonated Drinks	Pt.	¼
Cherries	No. 2	½
Cherries	No. 3	1
Cherry Cider	Gal.	2
Cherry Cider	2 Qt.	1

Material	Size	Allowances
Cherry Cider	Qt.	½
Chicken, Boned	No. 1	½
Chili Sauce	—	½
Chocolate	4 oz.	⅛
Chocolate	8 oz.	⅛
Chow-Chow	—	½
Cider	Qt.	½
Clams	—	½
Cocoa	8 oz.	¼
Cocoa	4 oz.	⅛
Cocoanut, Shred.	¼ lb.	½
Cocoanut, Shred.	½ lb.	1
Coffee	1 lb.	½
Corn	No. 2	½
Corn Flakes	Standard	½
Cordials	Qt.	½
Cordials	Pt.	¼
Crab	—	½
Crackers (see Biscuits)	—	—
Cream	½ Pt.	¼
Cream	Pt.	¼
Cream	Qt.	½
Cream of Tartar	¼ lb.	⅛
Crisco	1½ lbs.	¼
*Dried Fruits	1 lb.	1
*Dried Fruits	½ lb.	½
Farina	2 lbs.	½
Fish Flakes	—	½
Flavoring Extracts	1 oz.	1/10
Flavoring Extracts	2 oz.	1/10
Flavoring Extracts	4 oz.	1/5
Flour	49 lbs.	12
Flour	24.5 lbs.	8
Flour, Prepared	1½ lbs.	¼
Flour, Prepared	2 lbs.	¼
Fruit Juices	Qt.	½
Fruit Juices	Pt.	¼
Gelatin	2 oz.	⅛
Gin	Qt.	½
Gin	Pt.	¼
Ham, Potted	¼ lb.	¼
Ham, Potted	½ lb.	¼
Herring in Tomato	—	1

Material	Size	Allowances
Herring, Kippered	—	½
Honey, liquid or strained	—	½
Ice Crean Powder	—	¼
Jam (see Preserves)	—	—
Jelly	—	¼
Karo	2 lbs.	1
Ketchup	½ lb.	¼
Ketchup	1 lb.	¼
Macaroni	½ lb.	¼
Macaroni	1 lb.	½
Milk	Qt.	½
Milk	Pt.	¼
Milk Condensed	Baby	¼
Milk Condensed	Family	¼
Milk Condensed	Tall	½
Mince Meat	—	¼
Molasses	2 lbs.	1
Mushrooms	—	½
Noodles	½ lb.	½
Oats, Rolled	Small	½
Oleomargarine	1 lb.	¼
†Olives	Large	½
†Olives	Small	¼
Olive Oil	2 oz.	⅛
Olive Oil	4 oz.	⅛
Olive Oil	8 oz.	¼
Olive Oil	32 oz.	¼
Oyster Cocktail Sauce	½ lb.	⅛
Paprika	2 oz.	⅛
Peaches	No. 3	1
Peanut Butter	—	½
Pears	No. 2	½
Pears	No. 3	1
Peas	No. 2	½
Peas, Split	1 lb.	½
Peppers	No. 1	½
Peppers	No. 2	1
Pickles, Sweet	—	½
Pickles, Relish	—	½
Pineapple	No. 2	1
Plums	No. 2	½
Pork and Beans	No. 2	½
Porter	Qt.	½

Material	Size	Allowances
Porter	Pt.	¼
Preserves	—	½
Pumpkins	No. 3	½
Rice	1 lb.	⅛
Rum	Qt.	½
Rum	Pt.	¼
Salad Dressing	—	¼
Salmon	No. ½	½
Salmon	No. 1	1
Shrimp	—	½
Sirup, Compound (table)	—	½
Sirup, Maple	Imperial. med.	1
Soda Water Sirup	Qt.	1
Soda Water Sirup	Pt.	½
Soup	½ Pt.	¼
Soup	Pt.	½
Soup	No. 1	½
Spaghetti, Dry	1 lb.	½
Spaghetti, Cooked	No. 2	½
Spices	2 oz.	⅛
Spices	4 oz.	¼
Spinach	No. 3	½
Starch, Corn	1 lb.	¼
Stout	Qt.	½
Stout	Pt.	¼
Strawberries	—	½
Succotash	No. 2	1
Tomatoes	No. 2	1¼
Tomatoes, high grade	No. 3	1¼
Tomatoes, low grade	No. 3	½
Tongue	No. 1	¾
Vinegar	Qt.	½
Vinegar	Pt.	¼
Whiskey	Qt.	½
Whiskey	Pt.	¼
Wine	Qt.	½
Wine	Pt.	¼
Wine	2 Qt.	1
Wine	Gal.	2

The tolerance for beer, ale, and other malt beverages in barrels, half barrels, quarter barrels, drums, casks, or kegs shall be two per cent (2%) of the volume marked on the container.

¶Fixed by Statute, Sec. 2454, G. S.

*Based on net weights when packed, said products at the time of packing not to contain more moisture than permitted by the best trade practice.

†Or 2 Olives.

Also other edible oils.

TOLERANCES FOR SPRAY RESIDUE ON APPLES AND PEARS

The following tolerances are made under authority of Sec. 899e (a), and are in accord with government regulations.

(a) Lead. The maximum permitted is 0.05 grain of lead (Pb) per pound of fruit.

(b) Arsenic. The maximum permitted is 0.025 grain of arsenic (expressed in terms of the trioxide, As_2O_3) per pound of fruit.

(c) Fluorine. The maximum permitted is 7 milligrams of fluorine (F) per kilogram of fruit (approximately 0.05 grain per pound).

DRUGS WHICH CAN BE SOLD ON PRESCRIPTION ONLY

Section 901e (k) of Chapter 135b of the 1939 Supplement to the General Statutes, known as the Food, Drug and Cosmetic Law, makes illegal the sale at retail of any drug which "shall contain any quantity of amidopyrine, barbituric acid, cinchophen, dinitrophenol, sulfanilamide or thyroid, or any derivative of any of these substances, unless it shall be sold on a written prescription signed by a member of the medical, dental or veterinary profession who is licensed by law to administer such drug, and its label shall bear the name and place of business of the seller, the serial number and date of such prescription and the name of such member of the medical, dental or veterinary profession. No such prescription shall be refilled except upon written or oral order of the physician.

Violations of this law render the seller liable to imprisonment of up to six months and a fine of up to five hundred dollars for a first offense, and to a larger penalties for a second offense.

As the name of a drug does not always reveal whether it contains a derivative of one of the drugs named in the statute, the following list has been prepared for your guidance. All of the listed drugs have at some time been reported to contain one or more of the drugs specified in the statute,

or one of their derivatives. The list is not a complete list of all such drugs, and it is possible that the composition of some of the drugs listed may have been changed so that they now no longer contain one of the drugs whose sale is restricted. If you are in doubt on this point as to any particular drug on the list, you are advised to ask the manufacturer for assurance that its composition is now such that its sale otherwise than on precription is not a violation of the law.

It is the suggestion of this Commission that drugs which can only be sold on prescription according to Connecticut law, be handled in the same manner as narcotic drugs: kept in a separate compartment and segregated from other drug supplies, with the compartment carrying a proper and conspicuously placed warning against sale except on prescription.

It should be borne in mind that the Connecticut Food, Drug and Cosmetic Act is patterned after the Federal Act. Section 886e (c) provides that it is the legislative intent that the Act "promote uniformity of such legislation and its administration and enforcement, in and throughout the United States."

For that reason, the Food and Drug Commission, in its administration of the Act, follows the Federal regulations as closely as possible and it is the Commission's desire to keep you informed as to the latest Federal regulations and opinions, as well as to those applicable only to Connecticut and adopted under the provisions of the Connecticut law.

For your guidance in this respect you will find attached to the lists mentioned above, a list of those drugs which the Federal Food and Drug Administration feels unsafe for indiscriminate distribution, and which should be sold only on prescription.

DRUGS WHICH MAY NEVER BE SOLD AT RETAIL EXCEPT ON PRESCRIPTION

Drugs Containing Amidopyrine or a Derivative

*Allonal
Alphebin
Amarbital
Amidol
Amido-Neonal
Amidophen
Amidopyrine
(Aminopyrine)
Amidos
Amidotal Compound
Amifeine
Aminol
Am-Phen-Al
Ampydin
Amytal Compound
Baramid
Barb-Amid
Benzedo Compound
Cibalgine
Compral
Cronal
Dormalgin
Dymen
Dysco
Eu Med
Gardan
Gynalgos
Hexin
Ipral-Aminopyrine
Kalms
Lumodrin
*Midol
Mylin
Neonal Compound
Neurodyne
Nod
*Nurito
Optalidon
*Peralga
Phenamidal
Phenopyrine
Pyramidon
Pyramidon Acid Camphorate
Pyramidon Neutral Camphorate
Pyramidon Salicylate
Pyraminal
Seequit
Trigemin
Yeast-Vite

* Old formula; new samples do not contain amipodyrine.

Drugs Which Contain Cinchophen or A Derivative

Acitrin
Agotan
Artamin
Atophan
Atophanyl
Leucotropin
Lytophan
Novatophan
Oxyl-Iodide
Paratophan

Atoquinol
Biloptin
Cass Laboratories Preparations
Chloroxyl
Cinchophen
Cincodin
Cincosal
Cinsa-Vess
Fantan
Farastan
Harrell's Rheumatism Cure
Hexophan
Iriphan
Phenoquin
Quinophen
Renton's Rheumatic Tablets
Rheuma-Non
Todd's Rheumatic Capsules
Tolysin
Van Ard Sanitorium Treatment
Weldona
W. E. L. Specialized Preparations Nos. 1 and 2

Drugs Containing Dinitrophenol or a Derivative

Aldinol
Corpu-Lean
Dekrysil
Dilex-Redusols
Dinitra Tablets
Dinitrenal
Dinitriso
Dinitrocatechol Phenyl Ether
Dinitrocresol
Dinitrocyclohexyl-phenol
Dinitroguaiacol
Dinitrol
Dinitrolac
Dinitrole
Dinitronal
Dinitronaphtol
Dinotro-o-hydroxybiphenyl
Dinitrophenol
Dinitrophes
Dinitropyrocatechol
Dinitrose
Dinitrothymol
Formula 281
Formula 761
Nitra-phen
Nitromet
Nitrophen
Nox-Ben-Ol
Prescription No. 17
Re-Du
Redusols
Slim
Sodinal
Tabolin
Techni Dinitrophen
Thyo-Nitrol

Drugs Containing Sulfanilamide or a Derivative

Albucid
Aldanil
Ambesid
Azosulfamide
Proseptazine
Pyriamid
Rubiazol
Sanamide

Bayer 102
Coccolase
Colsulanyde
Dagenan
D B 32, 87 and 90
Deseptyl
Diseptal A, B and C
Disulon
1162 F
Estreptocida
Eubasin
Eubasinum
Lysamide
Lysococcine
M & B 125, 137 and 693
Neoprontosil
Novamide
P. A. B. S.
Prontosil
Prontosil Album, Flavum, and Rubrum
Prontosil S.
Protylin
Septazine (Setazine)
Septoplex
Soluseptazine
Setramide
Streptal and Streptal Soluble
Streptamid
Streptasol
Streptocid Album and Rubrum
Streptocide
Streptozon and Streptozon S.
Sulamyd
Sulfa-Calamine Lotion
Sulfa-Ceepryn Cream
Sulfa Compound
Sulfadrine
Sulfaguen
Sulfallantoin
Sulfamidazole
Sulfamone
Sulfapac
Sulfarea
Sulfasuxidine
Sulfathiadox
Sulfavitin
Sulfonamides Ointment
Sulfedex
Sulf-Opto
Sulmefrin
Sulthigel
Sulzadestrin Ointment
Sulfacet
Sulfadiazine
Sulfamethylthiazole
Sulfamidyl
Sulfanilamide
Sulfaphenylthiazole
Sulfapyridine
Sulfathiazole
Sulphonamide P.
Trisulfa
Trisulfin
Uleuron (Uliron)
Proseptasine

Drugs Containing Both Amidopyrine and Cinchophen

Amidonine
Cinchopyrine

DRUGS CONTAINING BARBITURIC ACID DERIVATIVES.

Acoma
†Allonal
Alphenal
Alurate
Amytal
Neonal
Neuronidia
Nobro
Noctal
Nostal

Anli
A R C
Atasol
Barbaphen
Barbenzal
Butisol Sodium
Barbidon
Barbital
Barbitone
Barlupulin
Chineonal
Cyclobarbital
Cyclopen
Delvinal
Dial
Dormelix
Dormin
Epilepson
Ethalyl
Evidorn
Evipal
Hunter's Epilepsy Cure
Ipral
Isobutal
Isonal
Luminal
Lumodrin
Maghees's Epilepsy Treatment
Mebaral
Medinal
Neorophen
Nembutal
Nurone
Ortal
Pentobarbital
Pentothal Sodium
†Peralga
Pernocton
Pembules Pental
Phanodorn
Phenobarbital
Phenoleptol
Prominal
Proponal
Renesol
Renicin
Rurosol
Rutonal
Sandoptal
Seconal
Sigmodal
Somnacetin
Somnifene
Soneryl
Tuinal
Valisan
Veronal
Vitasol
Warn's Epilepsy Treatment
Western Medical Corporation Treatment

* See "Note" below.
† New formula.

NOTE

Under Section 901e (j) a drug is misbranded "if it shall be dangerous to health when used in the dosage, or with the frequency or duration, prescribed, recommended or suggested in the labeling thereof." A section with identical wording occurs in the Federal Food, Drug and Cosmetic Act. Under this section Federal authorities have expressed the opinion that certain drugs are so inherently dangerous that it is not possible to label them in such a manner as to remove the danger from their indiscriminate sale to the consumer, and

that consequently they should be sold at retail only on prescription. A list of such drugs is given in the following table. The list includes babiturates some commercial preparations of which are listed on pp. 143-144.

DRUGS WHICH FEDERAL AUTHORITIES CONSIDER DANGEROUS FOR SALE AT RETAIL EXCEPT ON PRESCRIPTION

Aconite
Amidopyrine
Anthelmintic drugs:
Carbon tetrachloride
Male fern (aspidium)
Santonin
Tetrachlorethylene
Thymol
Wormseed oil (chenopodium oil)
Barbiturates
Benzedrine sulfate (for internal use)
Cinchophen, and derivatives including neocinchophen
Cantharides (for internal use)
Chrysarobin or goa powder
Chrysophanic acid
Colchicine
Colchicum
Emetine
Phosphides
Phosphorus
Radium
Sulfanilamide
Sulfapyridine
Sulfathiazole
Tansy, Tansy oil
Thiocyanates
Thyriod

Bromides—requiring dosage of more than thirty grains per day or more than fifteen grains during any three-hour period.

Acetanilid—in the case of medicines providing a total daily intake of more than five grains or more than three grains during any three-hour period.

Bromide-Acetanilid Combniation—providing for more than a total daily dosage of fifteen grains sodium bromide and five grains acetanilid, or more than 5½ grains sodium bromide or 2½ grains acetanilid during any three-hour period. Comparable amounts of other bromide preparations are subjected to the same restrictions.

Acetophenetidin—in daily dosages of more than fifteen grains

Antipyrine—in daily dosages of more than fifteen grains.

Epinephrine—in solution of 1% or stronger.

Ipecac—in daily doses greater than 10 grains.

Strychnine—in daily dosages greater than 1/20 grain.

The Federal Food and Drug Adimnistration also feels that products containing therapeutically effective proportions of digitalis, squill, strophanthus or any other pharmacologically related drugs will not be safe for indiscriminate distribution.

It has been ruled that the enforcement of the State and local Acts relating to the sale of drugs and the practice of Pharmacy in no way restricts the application of the Federal Law to the distribution by retailers of drugs which have been in interstate commerce.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